4793. Also, petition of the State, County, and Municipal Workers of America, urging a revision of the Works Progress Administration relief appropriation bill and restoration of the prevailing wage scale; to the Committee on Appropriations.

4794. Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Cleveland, Ohio, urging enactment of the omnibus transportation bill; to the Committee on Interstate and Foreign Commerce.

4795. Also, petition of the Brotherhood of Maintenance of Way Employees, Detroit, Mich., representing 180,000 railway employees, urging support of the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4796. By Mr. KEOGH: Petition of James C. Quinn, secretary, Central Trades Labor Council, New York City, concerning the Wheeler bill (S. 2009) and Lea bill (H. R. 4862); to the Committee on Interstate and Foreign Commerce.

4797. Also, petition of the Brotherhood of Maintenance of Way Employees, Detroit, Mich., concerning the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4798. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill 6479, amending section 2857 of the Federal Distilled Spirits Act; to the Committee on Ways and Means.

4799. Also, petition of the State, County, and Municipal Workers of America, New York district, concerning a revision of the Work Relief Act; to the Committee on Appropriations.

4800. Also, petition of the International Longshoremen's Association, New York, N. Y., concerning the Lea bill (H. R. 4862); to the Committee on Interstate and Foreign Commerce.

4801. Also, petition of the American Trucking Associations, Inc., Washington, D. C., concerning the House transportation bill; to the Committee on Interstate and Foreign Commerce.

4802. Also, petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, concerning the transportation bill now before the House for consideration; to the Committee on Interstate and Foreign Commerce.

4803. By Mr. PFEIFER: Petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., recommending the passage of House bill 6479, amending section 2857 of the Federal Distilled Spirits Act; to the Committee on Ways and Means.

4804. Also, petition of the State, County, and Municipal Workers of America, New York district, urging revision of the present Works Progress Administration Act; to the Committee on Appropriations.

4805. Also, petition of the Central Trades Labor Council, New York City, opposing enactment of the Wheeler bill (S. 2009) and the Lea bill (H. R. 4862); to the Committee on Interstate and Foreign Commerce.

4806. Also, petition of the Order of Railway Conductors of America, Cedar Rapids, Iowa, urging support of the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4807. Also, petition of the American Trucking Association, Inc., Washington, D. C., opposing the House transportation bill; to the Committee on Interstate and Foreign Commerce.

4808. Also, petition of the Brotherhood of Maintenance of Way Employees, Detroit, Mich., urging support of the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4809. Also, petition of the Mallory Transport Lines, New York City, opposing the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4810. Also, petition of the International Longshoremen's Association, New York City, opposing the Lea transportation bill (H. R. 4862); to the Committee on Interstate and Foreign Commerce.

SENATE

THURSDAY, JULY 20, 1939

(Legislative day of Tuesday, July 18, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Reverend Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Blessed be Thou, O Lord God of our fathers, for that Thou hast called us out of every people and tongue to become a new nation, dedicated to Thy service and the welfare of Thy children. Make us and all those in authority mindful of the privilege we share. Give us help to rule ourselves in all justice and equity, that we may escape the condemnation which ever awaits those who oppress and despoil. Strengthen us with the sense of Thy ever-present guidance, and revive our Nation with a firm resolve to be a light to lighten the nations into a state of international law and comity. Through Jesus Christ, our Lord and Saviour. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 19, 1939, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Reed
Andrews	Ellender	La Follette	Russell
Ashurst	Frazier	Lee	Schwartz
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	Lundeen	Slattery
Barkley	Glass	McCarran	Stewart
Bone	Green	McKellar	Taft
Borah	Guffey	McNary	Thomas, Okla.
Bridges	Gurney	Maloney	Thomas, Utah
Bulow	Hale	Mead	Tobey
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Minton	Truman
Byrnes	Hayden	Murray	Tydings
Capper	Herring	Neely	Vandenberg
Chavez	Hill	Norris	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

Mr. MINTON. I announce that the Senator from North Carolina [Mr. REYNOLDS], the Senator from New Jersey [Mr. SMATHERS], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate because of illness in their families.

The Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], and the Senator from Arkansas [Mrs. CARAWAY] are absent on important public business.

The Senator from Ohio [Mr. DONAHEY] is unavoidably detained.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of Typographical Union, No. 6, of New York, N. Y., protesting against certain provisions of the Works Progress Administration resolution relative to hours of work and wages, which was referred to the Committee on Appropriations.

He also laid before the Senate the petition of members of the Workers Alliance of America, of Pampa, Tex., praying for the enactment of legislation to restore the art and other so-called white-collar projects under the W. P. A., and to eliminate wage cuts and the payless furlough in the W. P. A. program, which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from United Federal Workers of America, Local No. 2, Washington, D. C., embodying the results of a poll of employees of the Department of Agriculture on certain provisions of the so-called Neely retirement bill, which was referred to the Committee on Civil Service.

Mr. TYDINGS presented a resolution of the Commercial Credit Co., of Baltimore, Md., favoring the prompt enactment of legislation to amend certain provisions of the National Labor Relations Act, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of neutrality legislation to keep the Nation out of foreign war, which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Department of Maryland, Veterans of Foreign Wars, favoring further restrictions in regard to criminal aliens and aliens illegally in the United States, and requesting that the immigration laws be fully enforced, which was referred to the Committee on Immigration.

He also presented a resolution of the Baltimore (Md.) branch, National League of American Pen Women, favoring the return of the U. S. frigate *Constellation* to the port of Baltimore, and requesting that the frigate be assigned a permanent berth at Fort McHenry, Md., which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 4540) authorizing the restoration to tribal ownership of certain lands upon the Umatilla Indian Reservation, Oreg., and for other purposes, reported it with an amendment and submitted a report (No. 885) thereon.

Mr. VAN NUYS, from the Committee on Expenditures in the Executive Departments, to which was referred the bill (H. R. 6614) to amend the Government Losses in Shipment Act, reported it with an amendment and submitted a report (No. 886) thereon.

Mr. LOGAN, from the Committee on Mines and Mining, to which was referred the bill (S. 2420) relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes, reported it with amendments and submitted a report (No. 887) thereon.

Mr. HUGHES, from the Committee on the Judiciary, to which was referred the bill (H. R. 6505) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, reported it with amendments and submitted a report (No. 888) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLMAN:

S. 2840. A bill to prohibit the immigration of aliens into the United States during the present period of abnormal unemployment and the expenditure of public funds for the relief of the unemployed; to the Committee on Immigration.

By Mr. JOHNSON of California:

S. 2841. A bill to authorize the construction of buildings and other facilities for the use of the Government on lands conveyed to the United States by the city of Alameda, Calif., on what is known as Government Island, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SHEPPARD:

S. 2842. A bill to provide for an appeal to the Supreme Court of the United States from the decision of the Court of Claims in a suit instituted by George A. Carden and Anderson T. Herd; to the Committee on the Judiciary.

By Mr. O'MAHONEY:

S. 2843. A bill granting easements on Indian lands of the Wind River or Shoshone Indian Reservation, Wyo., for dam site and reservoir purposes in connection with the Riverton reclamation project; to the Committee on Indian Affairs.

By Mr. BYRD:

S. 2844. A bill granting an increase of pension to Mary W. Osterhaus; to the Committee on Pensions.

S. 2845. A bill to amend section 355 of the Revised Statutes, as amended, to make permissive the acquisition of legislative jurisdiction over land or interests in land acquired by the United States; to the Committee on Public Buildings and Grounds.

By Mr. WHEELER:

S. 2846. A bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended; to the Committee on Patents.

By Mr. JOHNSON of Colorado:

S. 2847. A bill for the relief of Tony Cirone; to the Committee on Claims.

LOANS FOR SELF-LIQUIDATING PROJECTS—AMENDMENT

Mr. MEAD submitted an amendment intended to be proposed by him to the bill (S. 2759) to provide for the construction and financing of self-liquidating projects, and for other purposes, which was referred to the Committee on Banking and Currency, and ordered to be printed.

THE PRINTING INDUSTRY AND PROPOSED COPYRIGHT CONVENTION (S. DOC. NO. 99)

On motion by Mr. HAYDEN, memoranda regarding the probable effects on the printing industry of adoption of the Copyright Convention, with a foreword by Mr. HAYDEN, were ordered to be printed.

TRADE AGREEMENT WITH THE PHILIPPINE ISLANDS

[Mr. GIBSON asked and obtained leave to have printed in the RECORD letters from Vice President Osmeña, Jacob Gould Schurman, and Francis B. Sayre on the subject of a trade agreement with the Philippine Islands, which appear in the Appendix.]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the bill (S. 2065) to provide for the regulation of the sale of certain securities in interstate and foreign commerce and through the mails, and the regulation of the trust indentures under which the same are issued, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5735) to authorize the acquisition of additional land for military purposes.

The message further announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 153. An act to transfer jurisdiction over commercial prints and labels, for the purpose of copyright registration, to the Register of Copyrights; and

H. R. 6065. An act to authorize major overhauls for certain naval vessels, and for other purposes.

MARKETING QUOTAS FOR CORN

Mr. LUCAS. Mr. President, some time ago I introduced Senate bill 2694, amending section 322 of the Agricultural Adjustment Act, dealing directly with the marketing quotas for corn; and also Senate bill 2695, amending section 335 (c) of the Agricultural Adjustment Act, dealing primarily with the marketing quotas for wheat.

On Tuesday last both those bills passed the Senate after explanation and debate. On the same day the House of Representatives passed two companion measures, both arriving in the Senate immediately after we had passed Senate bills 2694 and 2695.

Yesterday by unanimous-consent agreement the Committee on Agriculture and Forestry was discharged from further consideration of House Joint Resolution 342.

I now ask unanimous consent for the immediate consideration of House Joint Resolution 342, which is on all fours with Senate bill 2694, and squares with it insofar as the objective is concerned.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Illinois? The Chair hears none, and the joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 342) relating to section 322 of the Agriculture Adjustment Act of 1938, as amended.

The joint resolution was considered, ordered to a third reading, read the third time, and passed.

Mr. LUCAS. I now move that the vote by which Senate bill 2694 was passed be reconsidered, and that the bill be indefinitely postponed.

The motion was agreed to.

MARKETING QUOTAS FOR WHEAT

Mr. LUCAS. Mr. President, with respect to House Joint Resolution 343, which I have heretofore explained, I ask unanimous consent that the Committee on Agriculture and Forestry, to which that joint resolution has been referred, be discharged from its further consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LUCAS. I now ask unanimous consent for the immediate consideration of House Joint Resolution 343.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution? The Chair hears none, and the joint resolution will be read by its title.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 343) to amend section 335 (c) of the Agricultural Adjustment Act of 1938, as amended.

The joint resolution was considered, ordered to a third reading, read the third time, and passed.

Mr. LUCAS. I now move that the vote by which Senate bill 2695 was passed be reconsidered and that the bill be indefinitely postponed.

The motion was agreed to.

TRUTH IN FABRIC

The Senate resumed the consideration of the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Mr. SCHWARTZ. Mr. President, yesterday I canvassed some features of Senate bill 162. I see present now a number of Senators who were not in the Chamber at that time. I desire to refer briefly to the features of the bill which I canvassed yesterday. I stated at that time, and I wish now to repeat, that the principal matters of controversy in this bill are two. First, there is objection to a differentiation between new wool and reworked wool; and, secondly, there are certain manufacturers who are opposed to labeling of any kind at any time and in any way.

Yesterday I read from the American Wool Handbook, the standard publication in wool technology, the method of manufacturing shoddy and the effect of such manufacture upon the fiber of the wool and upon its length and its value. That matter is in yesterday's RECORD, of course.

Yesterday I also referred to the fact that early in 1938 it was the general consensus of opinion of technologists in the wool business that reworked wool cannot be distinguished from virgin wool in the manufactured cloth.

Then I proceeded to show that since early in 1938 the Department of Agriculture has been working upon that problem, and some of the leading technologists in private industry have been working upon the problem; and I set forth in the RECORD letters from the Department of Agriculture and tests made by private technologists showing that today not only may the presence of reworked wool and virgin wool in manufactured cloth be determined, but the respective amounts of each of those classifications may be determined with a reasonable and fair degree of accuracy.

I also stated yesterday and read from a report of the Federal Trade Commission on the matter of the expense involved in enforcing this bill if it becomes a law. I stated that last year it was asserted that the expense would be enormous. The communication from the Federal Trade Commission says that not only will the expense not be heavy, but, in their judgment, the enactment of the bill may reduce their present expenses, due to their efforts at this time to take care of the many complaints which come to them about unfair practices in reference to the textile trade.

When we had a similar bill before the Senate last year, and when it was passed by the Senate, a suggestion was made that we would be unable to control foreign imports; that foreign imports would come in here free from the requirements of our labeling law. We have a provision in the bill of this year which takes care of that matter.

I also read into the RECORD yesterday a letter from the Secretary of the Treasury in which he sets forth the particular classes of additional employees, both in foreign shipping centers and in our ports, that will be necessary in order to see that there is no violation of the Labeling Act, or, if there is a violation, at least that it will be reported. The Secretary of the Treasury says that the additional expense, both here and abroad, including house rent abroad, will amount to a total of only about $55,000. That is a very nominal sum indeed when we consider the enormous amount of imports, not only of rags from abroad, but particularly of shoddy and of manufactured garments which come over here on the strength of the old theory that in order to get a nice cloth it is necessary to get it from England. It comes over here and passes for virgin wool, when as a matter of fact it has in it a large percentage of reclaimed wool.

I also mentioned yesterday that the use of rags and shoddy in this country is increasing rapidly; that whereas a few years ago, of the amount of wool taken by the mills about 25 percent was shoddy, at this time 40 percent is shoddy. In other words, of the wool taken by the mills, 60 percent is virgin wool, and 40 percent, or possibly a little more at this time, is shoddy or reworked wool.

I also stated that within the past year the importation of rags from Great Britain has increased about 1,550 percent, so that we probably are getting to a point where very soon, as a result of the process of reworking rags abroad, the rags of Europe will be clothing the American public, and especially American men.

It has been frequently asserted that if this bill is passed, sharpers—who evidently are not sharp now, or they would be doing the same thing—will buy a cheap grade of virgin wool and make it into a virgin-wool fabric and label it virgin wool, and thereby destroy the value of virgin wool labeled by the good manufacturers who now make virgin-wool products in the United States. If that were possible to be done, of course, the same supposititious set of sharks or cheaters would be at that practice now.

I demonstrated yesterday, I believe, that the values and uses of various grades of virgin wool and reworked wool are comparable. In other words, a cheap grade of virgin wool is used in such manufactures and for such purposes that if a reworked wool is used in substitution the same grade of reworked wool is used for that purpose; and when a high grade of virgin wool is used, if reworked wool is used in substitution it is necessary to have a high grade of reworked wool. So the only method by which to compare values is to compare like with like and kind with kind.

Mr. President, while I was talking yesterday the junior Senator from Massachusetts [Mr. LODGE] asked me to what extent and what sort of labor organizations were supporting Senate bill 162. I told him I would endeavor to obtain that information, and I have gotten it from the hearings.

Francis J. Gorman, president of the United Textile Workers of America, appeared in support of the bill, and his testimony appears on pages 38 to 43 of the hearings. I understand that last year when he testified his organization was associated or affiliated with the C. I. O. At this time, I believe, it is again in the fold of the American Federation of Labor.

I desire to read a very brief paragraph from Mr. Gorman's testimony. In the first place, I should say that he is specifically in favor of this particular bill.

He says:

The old caveat emptor basis of doing business has been discarded by a decision of the United States Supreme Court. Our business slogan need no longer be, "Let the buyer beware." With better identification of the portion of virgin wool, reclaimed wool, and other materials used in wool manufacture, the wool worker can take greater pride in his craft, the manufacturer can afford to build a reputation on quality merchandise, the clerks in the stores need not qualify as bunco artists, either purposely or through their own lack of information, and the consumer will get what he asks for.

Because the label will disclose it.

He goes on, and says:

We are not opposed to the use of reclaimed or shoddy wool or of cotton or rayon for mixture purposes. Many materials, which are neither originals nor pure in quality, have their uses, and these uses may be valid and admirable. What we contend is that there should be accurate identification so that the purchaser may know what is being purchased.

There also appeared before the committee Mrs. Maie Fox Lowe, president of the Women's Auxiliary to the National Federation of Post Office Clerks. Her testimony begins in the hearings at page 80. I wish to read just a short paragraph of her testimony at page 83. Mrs. Lowe is testifying:

There was one other thing which I should like to say: The opponents of this bill say that other fibers are necessary in wool goods besides virgin wool. If those things are necessary and if the addition of those other fibers makes a better garment, why be afraid to put it on the label and let the consumer be the judge? That is what we want to know. We think we are entitled to know what we buy. If we have to buy or choose to buy a garment that has other things in it than wool, that is perhaps our business or our misfortune. But if we want to buy all virgin wool we should be entitled to know it.

Then I asked Mrs. Lowe this question:

I suppose it would be true that if you bought a garment with 50 percent virgin wool and 50 percent reclaimed wool and it proved to be satisfactory, then you would have no objection to buying another one?

She said:

I certainly would not, and I would be glad to know just what it was, so I could ask for another one next time.

In the record also appears the statement of May Peake, international president of the Ladies' Auxiliary of the International Association of Machinists. That is an American Federation of Labor organization, I understand. Her statement appears at page 82.

There is also in the hearings, at page 124, a letter from I. M. Ornburn, secretary-treasurer of the Union Labor Trades Department of the American Federation of Labor, and also the testimony of John M. Baer, who testified last year, and who is connected with that department. I wish to read, for the benefit of the RECORD, just a few paragraphs from the letter of Mr. Ornburn, secretary-treasurer of the Union Label Trades Department of the American Federation of Labor, addressed to me:

DEAR SIR: My absence from Washington prevents a personal appearance before your committee. I am, therefore, requesting that the following statement be included in the record of the hearing on S. 162, the wool-products-labeling bill of 1939.

The Union Label Trades Department of the American Federation of Labor urges the passage of this measure, as it has supported previous bills aimed at protection of the consumer, especially the provisions that would force disclosure of the reclaimed wool or shoddy content of wool products.

Our department represents 51 directly affiliated international unions of the A. F. of L. with a membership of over 1,000,000, including the Sheepshearers' Union which is directly interested in this legislation. In addition, our department's activities have the loyal support of the 4,500,000 members of the American Federation of Labor. Furthermore, the American Federation of Women's Auxiliaries of Labor, representing 2,000,000 women, is organized under our department.

I will not read the remainder of the statement; it is rather long.

Mr. President, at the hearings it was contended by some of the garment manufacturers from New York City, and possibly one or two from some other points, as I recall, though I am not sure, that in the application of the provisions of the bill it would be a physical impossibility, or at least it would present a great and onerous burden, to keep the labels on the goods from the time the manufacturer makes the goods until the goods are sold at the retail store. Some effort was made to show that in the process of manufacture the identity of the particular piece of cloth would be lost, and, because of the loss of its identity, it would be impossible to attach the proper labels which the manufacturer had given for a particular piece of cloth.

Mr. President, if this were a good objection, to my mind, it would be a very serious one, because certainly we do not want to enact a bill which cannot be enforced. So, because that presented a serious question to my mind, I sought and secured from one of the leading garment manufacturers of New York City a technical statement as to just what the procedure is from the time cloth is made until it leaves the hands of the manufacturer, where the loss is supposed to occur. Because that is an important question, and because it is one which would appeal to Senators, I shall take a few minutes this morning to read the statement I received, because I am not a manufacturer of wool, and I am not familiar with the wool business, except as I have studied it for the past few years. Therefore, in order to keep the record straight, I shall take the time to read this statement. It is as follows:

GARMENT MANUFACTURING

The production of garments is operated on two basically different principles: (1) Inside manufacturing, and (2) the contracting system. Wages are also based on two systems—(1) weekly basis and (2) piece-work basis. Of the two wage systems, by far the largest volume of garments are made on the piece-work system. Inside manufacturers represent a restricted group of higher-priced garment manufacturers, whose output is limited and whose product is made on their own premises. These manufacturers make garments against order only and cut from one to four or five at one time. All goods moving through their factory from the time the piece goods are received until the goods are shipped are specifically identified as to source and quality of materials, color, style, and price.

By far the greatest volume of garments sold by so-called garment manufacturers is made for them by contractors, comprising independent firms who work for a number of garment manufacturers making garments according to specified prices which are agreed upon between the garment manufacturer and the contractor. This system is followed by both manufacturers of better and medium grade garments and by volume manufacturers making the lowest priced garments. The sole difference between the better and medium grade garment manufacturers and the cheaper volume manufacturers is that the former, as a general rule, cut garments against actual orders, while the latter accumulate a stock of garments and then sell them from their racks. In other words, the volume manufacturer speculates on the probable market for particular styles of garments, and as a selling inducement offers customers a lower price and "immediate delivery" as against the normal period of time required by the better and medium grade manufacturers to produce against orders received.

As a general rule, manufacturers of the better and medium grade garments accumulate a number of orders which are taken in their showrooms or by traveling salesmen from individual retail customers. When a sufficient number of orders have been accumulated for what is termed a "cutting" the total quantity represented by this order are assembled according to the style and quality and color of fabric and are listed on what is known as the "cutting ticket." (See exhibit A.) This cutting ticket lists explicitly the order number, the quality and color of fabric, and the quantity of each size garment which is to be made. This is the order which goes to the contractor and is, in effect, his specifications. The contractor obtains from the garment manufacturer the necessary quantity of fabrics and linings which are to be used to fill his order. The woolen fabrics and lining specified on the cutting ticket are charged at a fixed price to the contractor, and he includes the cost of these materials in the price which he quotes the garment manufacturer for making the garment. This is the identical system followed by the volume manufacturer of lower-priced garments, except that instead of making garments sold he makes garments he expects to sell.

Because different sizes of garments in the same style made of the same fabric require different amounts of yardage, garment manufacturers specify on the cutting ticket the exact yardage to be used in each garment according to both the style and size. This very careful record is made of the materials when they are sent by the garment manufacturer to the contractor, for the following reasons:

(1) To make certain the contractor receives the correct yardage.

(2) To enable the garment manufacturer to make an accurate check of the finished garments when they are returned, to be certain that the order has been correctly filled in all details.

(3) To prevent contractors from substituting cheaper imitations of the fabrics sent them by the garment manufacturer.

(4) To prevent contractors from making and delivering sizes smaller than those which have been ordered. This latter check has been necessary because it has not been an uncommon practice in the past on the part of contractors to deliver sizes 12 and 14 against orders for sizes 16 and 18, thereby using a smaller amount of yardage than would otherwise be necessary.

I may say parenthetically that that is stated in the testimony of some of the garment manufacturers who are op-

posed to labeling. That is one of the principal troubles they have had, one of the reasons for the conciliation agreement, in which 266 members and corporations are associated, and under which they spend the sum of $280,000 a year in endeavoring to patch up their differences.

The testimony also shows that sometimes there will be a faulty place in cloth, or a faulty color, or some other defect, and it will come back, perhaps from a retail store in Wyoming or California, and will finally get to New York, where demand will be made of the manufacturer of the cloth to make good. Evidently, therefore, there is no trouble in telling who manufactures cloth, no matter how far the cloth goes.

I continue the statement:

Where this has been done—

That is, where sizes 12 and 14 have been delivered against orders for sizes 16 and 18—

the contractor has either sold the surplus goods or has made it up into garments in his customer's styles which he has sold on his own account to retail stores.

Contractors manufacturing garments operate almost entirely on the piece-work system, on a basis rigidly established and maintained by the very powerful and effective men's and women's garment manufacturing union. The prevailing system in both the men's and women's wear garment industry is for an operator to make the garment, a finisher to add the final details and inspection, and a presser to steam and press the garment prior to its delivery back to the garment manufacturer. (In certain parts of the country the garments are manufactured in what is known as sections—that is, certain specialists make sleeves, others make the body, and a final operator sews the parts together. This, however, is not the prevailing system, and the details of its operation will be explained later.)

When the cutting ticket (exhibit A) for a given number of garments to be made either of the same fabric in the same color, or of different fabrics and different colors in different styles, reaches the contractor, together with the necessary materials, the following is the sequence of operation:

(1) The goods are checked to make certain that necessary materials are all there.

(2) A work ticket (exhibit B) for each garment which is to be cut is made out according to the information indicated on the cutting ticket. This work ticket thereafter accompanies the garment from the time the different parts are cut and assorted until it is returned to the garment manufacturer.

(3) This work ticket, it will be observed, comes in four sections, which not only maintains the identity of the garment so far as the quality, kind, color, and style of garment are concerned, but it is also the basis on which the operators concerned in making the garment collect their piece-work pay. Each of the four sections of the ticket is numbered identically. Three of them read, "operator," "finisher," and "presser." These are the three workmen who make the garment. The fourth section is the master section for the records of both the contractor and the garment manufacturer. Its final disposition is when this stub is sewn into the lining of the garment for the information of the garment manufacturer when he receives the finished garment from the contractor. The garment manufacturer's receiving clerk checks this work ticket stub containing the order number, the style, the size, the color, the quality and kind of fabric used, the fur (if any), and all the other details needed to be recorded. Having assured himself that the details of the order have been fulfilled, the receiving clerk of the garment manufacturer rips out this work ticket stub and replaces it with the garment manufacturer's own hanging ticket, containing information identical or similar to that on the work ticket stub itself.

(4) After the work tickets are made out against the specifications of the cutting ticket they are placed in the hands of an assorter, and the materials to be cut into garments go to the cutter, who lays them out on the cutting table in various thicknesses of cloth numbering from 10 to a maximum of 50 thicknesses, according to the weight and thickness of the fabric, and the size of the order. As the end of each piece is laid on the cutting table it is marked across with heavy chalk marks which signify (a) that this is the end of a single piece of goods; and (b) that according to the number or other symbol marked in chalk it is the end of a particular piece of goods from a particular mill. After the "lay" is completed a pattern is chalked on the top layer and the thicknesses of goods are cut through in one continuing operation with an electric cutter.

The assorter with the work tickets picks up from each layer the different parts of one complete garment, tying them in a bundle and affixing to each bundle the work ticket with its serial number and other specifications as to the quality and color of fabric and style and size of garment to be made. The assorter watches carefully for the chalk marks in the different layers, signifying the beginning or end of a new piece, because, even in handling goods of the same quality, pattern, and color from the same mill, there is danger that one part of a garment may be taken from one piece and a second part from another piece. This must always be avoided, because, even in the same goods from the same mill, there is always sufficient variation between pieces of the same quality and color to make it impossible to sew them into one garment without this fact being at once apparent when the garment is finished. Errors of this character are occasionally made, and they are always discovered either by the inspection of the contractor himself or during the later inspection in the receiving room of the garment manufacturer.

The assorter further guards himself against errors by making up a detailed chart (see exhibit C), which in a measure is a replica of the cutting ticket, except that on the right-hand side opposite the listing of the specific quality of fabric to be used in the styles to be made up there is pinned or pasted a sample of the fabric. As each bundle of garment parts is made up and the work ticket affixed the assorter refers to this illustrated guide to be sure that there has been no error.

(5) The bundle parts of the garment next go to the operator, who makes the garment and cuts off that section of his ticket on which his piece-work wage is paid. This ticket goes to the foreman, who credits the operator with one finished garment and sends his stub to the accounting or bookkeeping department.

(6) This same procedure is followed by the finisher and presser, each one of whom detaches his section of the work ticket after he has completed his task.

(7) When completed, the garment, with the stub of the work ticket sewed into the garment, is returned to the garment manufacturer.

SECTION WORK

There is a slightly different process in what is called section work, although it is basically the same.

In some garment manufacturing centers there is a certain amount of so-called section work on garments, made both for men and women; that is, certain operators make sleeves, others make bodies, and still others may sew the different parts together into a complete garment.

The procedure in the section work factories is practically identical with that in the other factories where the entire garment is made by one operator and is finished and pressed by specialists. The work ticket merely includes more parts designating the operations used in completing a garment. In section work the same care must be observed to avoid making one garment out of different pieces of goods. To prevent this, as the section worker makes his particular part of the garment he refrains from breaking the thread as each part is finished so that when they go to be assembled the different parts are all attached to one another by threads. Each part bears an identical serial number showing what piece of goods it came from, and they are matched when the parts are put together. At no time is the specific identity of the particular fabric or the particular piece of goods from any mill lost. Should this occur the garment would be worthless because the difference in the texture or the color in various parts of the garment would be immediately discernible. This is true even though the fabrics are of an identical quality, type, and color, and come from the same mills. It is much more true when the same types of fabrics in identical colors come from different mills.

MILL IDENTIFICATION

Every piece of goods delivered by any mill or jobber to any garment manufacturer or contractor bears a piece-goods ticket which is firmly attached to it by a strong cord, giving the piece number, the quality number or kind, the color number, and the exact yardage. In addition, most mills stamp their names and trade-marks on the back of the goods every yard or so or on the selvage.

There was testimony that the selvage is always cut off and lost; and that the identification ticket would be attached to the selvage and then it would be lost.

The selvage is rarely, if ever, cut away, in manufacturing. It is used wherever possible at the seams. The mill identification stamp on the back or on the selvage, however, is merely a collateral and not the chief means of identifying the goods. This identification, which begins with the cutting ticket, is continued on the work ticket and ends with the stub on that work ticket sewed into the lining of every garment of the manufacturer for whom the contractor has made the garment.

IDENTIFICATION OF DIFFERENT FABRICS BEING MADE IN THE SAME STYLE BY THE SAME CONTRACTOR IN ONE CUTTING

Volume garment manufacturers who order one particular style of garment to be made in four or five different fabrics have a very simple and effective method of maintaining the identity of these fabrics. In making out the cutting ticket (see exhibit A) a specific style is always identified by number. For example, a particular style will be numbered, let us say, No. 485. This is a style to be made in the fabrics of woolen manufacturer No. 1. Where a second, third, fourth, or even a fifth fabric of different mills is to be made in the same style, at the same cutting, the basic style number is maintained and the different fabrics are identified by prefixing to this basic style number the numerals from 1 up; i. e., style No. 485 is made in the fabrics of mill No. 1. The same style cut at the same time from the fabric of another woolen manufacturer will be listed as style No. 1485; style No. 485 made in the fabric from a third mill will be identified as style No. 2485, and so on. These fabric and style identification numbers are transferred from the cutting ticket to the work ticket, and these numbers are on the stub of that work ticket when it is sewn into the completed garment. They are further checked by the garment manufacturer when the garments are delivered to him by the

contractor and the fabrics are compared against actual samples to verify the fact that there have been no errors or substitutes in delivery.

Mr. President, I ask to have included at this point as part of my remarks in further explanation of the statement I have read, two sheets, which are marked "Exhibit A" and "Exhibit B," which show in detail how the mill identification is carried right along. Exhibit A contains a cutting ticket, and exhibit B contains work tickets. I also ask to have printed an order sheet marked "Exhibit C." It contains a line of swatches or samples, which, of course, will be excluded from the RECORD because they are samples of cloth, and the Government Printing Office is not able to reproduce them. I also offer two other exhibits, 1 and 2, and ask that they be printed at this point as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matters referred to are as follows:

EXHIBIT A—CUTTING TICKET

As explained on the preceding page, this cutting ticket is for style No. 485 in eight different fabrics, which are identified as to their mill source by numerals placed in front of the basic style number.

This number must appear on your invoice: No. 246 A
Mr. JOHN SMITH.
Terms _____ Delivery _____

NEW YORK _____ 19____
ADDRESS _____
Phone No. _____

Our No.	Your No.	Color	Quantity	12	14	16	18	20	34	36	38	40	42	44	46	Price
485	Mill No. 1	Blue	60	6	12	12	12	12				6				$16.50
1485	Mill No. 2	do	100	10	20	20	20	20				10				15.75
2485	Mill No. 3	do	60	6	12	12	12	12								16.50
3485	Mill No. 4	do	100	20	10	20	20	20								21.50
4485	Mill No. 5	do	30	6	6	6	6	6								10.50
5485	Mill No. 6	do	25	5	5	5	5	5								9.25
6485	Mill No. 7	do	30	6	6	6	6	6								12.75
7485	Mill No. 8	do	25	5	5	5	5	5								9.50

YARDAGE

Our No.:
485. 180 yards _____ $2.50
1485. 300 yards _____ 2.25
2485. 180 yards _____ 2.50

This order is given on the conditions on the reverse side hereof as well as hereon

SUBMIT ONE SAMPLE FOR APPROVAL BEFORE CUTTING LOT

Material _____ Price _____ Yards _____ Price _____
Price agreed on for this order includes cloth, lining, fur trimmings, and the minimum cost of production agreed by _____
How many yards of material shall we send you for each garment? _____
How many yards of lining shall we send you for each garment? _____

Merchandise sent you to be made up for us, while it is ours, and only sent to you on memorandum as per our invoice, will be deducted from your account against us.

It is a condition precedent to the execution of this order that a sample must be submitted for approval before cutting lot, and sample approved in writing. All merchandise must be manufactured exactly in accordance with the instructions herein contained, and if, upon delivery, found to be unsatisfactory, for any reason whatsoever, in whole or in part, such garments as are unsatisfactory shall be rejected; if any garments on this order are sold by us and rejected by our customers, for any reason, such garments shall be returned to the contractor, who agrees to make payment therefor.

Any advances that shall be made by us to the contractor shall not be construed to be approval and acceptance of any merchandise delivered.

EXHIBIT B—WORK TICKET

These work tickets are attached to the assembled parts of individual garments. The style numerals indicate (a) the basic style and (b) the fabric in which the style is made. The stub is sewed into the garment on completion so that the garment manufacturer may check deliveries and be certain that the order has been filled correctly in all details, including the quality and kind of fabric ordered.

Order No. 6730
Style, 485
Size, one 16
Remarks, mill 1 blue
6730
Presser
Style, 485
Size, 16
6730
Finisher
Style, 485
Size, 16
6730
Operator
Style, 485
Size, 16

Order No. 6731
Style, 1485
Size, one 16
Remarks, mill 2 blue
6731
Presser
Style, 1485
Size, 16
6731
Finisher
Style, 1485
Size, 16
6731
Operator
Style, 1485
Size, 16

Order No. 6732
Style, 2485
Size, one 16
Remarks, mill 3 blue
6732
Presser
Style, 2485
Size, 16
6732
Finisher
Style, 2485
Size, 16
6732
Operator
Style, 2485
Size, 16

Order No. 6733
Style, 3485
Size, one 16
Remarks, mill 4 blue
6733
Presser
Style, 3485
Size, 16
6733
Finisher
Style, 3485
Size, 16
6733
Operator
Style, 3485
Size, 16

Order No. 6734
Style, 4485
Size, one 16
Remarks, mill 5 blue
6734
Presser
Style, 4485
Size, 16
6734
Finisher
Style, 4485
Size, 16
6734
Operator
Style, 4485
Size, 16

Order No. 6735
Style, 5485
Size, one 16
Remarks, mill 6 blue
6735
Presser
Style, 5485
Size, 16
6735
Finisher
Style, 5485
Size, 16
6735
Operator
Style, 5485
Size, 16

Order No. 6736
Style, 6485
Size, one 16
Remarks, mill 7 blue
6736
Presser
Style, 6485
Size, 16
6736
Finisher
Style, 6485
Size, 16
6736
Operator
Style, 6485
Size, 16

Order No. 6737
Style, 7485
Size, one 16
Remarks, mill 8 blue
6737
Presser
Style, 7485
Size, 16
6737
Finisher
Style, 7485
Size, 16
6737
Operator
Style, 7485
Size, 16

EXHIBIT C

Order No. 246, Smith Garment Co.

Style	Fabric	Quantity	Swatch
485	Mill No. 1	60—6/12-12/14-12/16-12/18-12/20-6/40.	
1485	Mill No. 2	100—10/12-20/14-20/16-20/18-20/20-10/40.	
2485	Mill No. 3	60—12/12-12/14-12/16-12/18-12/20	
3485	Mill No. 4	100—20/12-10/14-20/16-20/18-20/20	
4485	Mill No. 5		
5485	Mill No. 6		
6485	Mill No. 7		

VARIATIONS IN CUTTING TICKETS AND WORK TICKETS

Exhibits A and B, illustrated in the preceding memorandum, represent the cutting tickets and the work tickets used generally by contractors working for volume lower-priced garment manufacturers.

Contractors working for the better and medium-grade garment manufacturers use basically the same system, but the cutting tickets and the work tickets provide a trifle more information.

Style ----------
Factory lot No. 12790 EXHIBIT I Date ----------

Cloth	Color	10	12	14	16	18	20	40	Piece number	Cloth yardage	Lining yardage	Furs	
Lengths													

Amount ----------
Cloth $---------- Lining $---------- Fur $---------- Emb. $---------- Price ----------

The cutting ticket of a better-grade garment manufacturer, it will be noted, specifies in succeeding columns the exact cloth to be used, the sizes, the number of the piece from which the fabric is to be cut, the yardage and lining required, and the furs, if any. The final column is reserved for the price which will be paid to the contractor and includes the price charged the contractor by the garment manufacturer for the materials furnished him.

EXHIBIT II

This particular work ticket is for a suit. It is the same as the work ticket shown in exhibit B, except that the stub which is sewn into the garment when it is completed contains explicit information regarding the exact fabric and color used.

Coat

Order No. 1141
Style----------
Size----------
Color ----------
Cloth ----------
Fur----------
Remarks ----------

Presser

Order No. 1141
Style----------
Size----------

Jacket

Order No. 1141
Style----------
Size----------

Skirt

Order No. 1141
Style----------
Size----------

The last possibility of any confusion regarding fabrics used in garments made by contractors would be eliminated by a universal adoption by contractors of this work ticket (exhibit No. II), the stub of which specifies the exact fabric and color used in making the garment.

Mr. SCHWARTZ. I have a memorandum which I shall ask to have printed in the RECORD as part of my remarks. I recall that when the question of canned beef was being discussed in the Senate the distinguished senior Senator from Massachusetts [Mr. WALSH] called attention to the fact that the Navy had been making its own cloth for a great number of years, and he suggested tentatively that possibly it might be necessary at some time to make a similar provision in order that the Army might get proper beef. I have here the Navy specifications as to officers' uniforms, uniforms and overcoats for enlisted men, miscellaneous garments, shirts, jumpers, socks, and so forth. They are all made of virgin wool with the exception of socks, which contain a 50-percent cotton mixture.

I also have the specifications of the War Department for the Army, and with the exception of two heavy types of overcoats the garments are all made of virgin wool. The lighter overcoats are made of virgin wool, and the suits are made of virgin wool, as well as the sweaters and the shirts. The drawers are made of a combination of virgin wool and cotton. The gloves are made of virgin wool. Under the item "Gloves" there is added this notation:

The use of reworked wool, card strippings, card fly, or similar waste is prohibited.

And so on down the line. For the two heavy overcoatings, in which alone there may be the use of any reworked wool, the specifications are as follows for the 32-ounce olive drab—and this comes down from the time when there was an insufficient supply of wool to furnish garments to the American soldiers in the World War:

4. Overcoats (32-inch olive drab): Woolen yarn, composed of 55-percent wool, grade 44s or finer; 10-percent wool, grade 58s or finer; 35-percent reworked wool or noils.

They have the option to use the reworked wool or noils.

5. Overcoats (slate blue, 30-ounce): The wool shall be fleece and/or pulled wool not lower in grade than 56s, United States standard. Not more than 35 percent of the blend may be reworked wool and/or noils of the same grade.

I ask that the memorandum be printed in the RECORD at this point as part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The memorandum is as follows:

MEMORANDUM—WOOL CONTENT SPECIFICATIONS FOR CLOTHING PURCHASED FOR THE UNITED STATES ARMY AND NAVY

I. ARMY

(a) *Flying cadets*

1. Uniform (serge, slate blue, 11/12-ounce): "The wool for warp and filling shall be shorn from live sheep and be not lower in grade than 64s, free from kemp; shall be sound in staple and of superior character."

2. Overcoats (melton, slate blue, 18-ounce): "The wool shall be fleece and/or pulled wool not lower in grade than 64s, United States standard. The use of noils and/or reworked wools is prohibited."

(b) *Enlisted men*

1. Uniform coats (serge, olive drab, 18-ounce): "The wool for warp and filling shall be fleece and/or pulled wool not lower in grade than 64s, United States standard."

2. Uniform trousers (elastique, olive drab, 18-ounce): "The wool for warp and filling shall be sound staple fleece and/or pulled wool not lower in grade than 64s, United States standard."

3. Uniform coat and trousers (serge, slate blue, 18-ounce): "The wool for warp and filling shall be fleece and/or pulled wool not lower in grade than 64s, United States standard."

4. Overcoats (32-ounce olive drab): "Woolen yarn, composed of 55-percent wool, grade 44s or finer, 10-percent wool, grade 58s or finer, 35-percent reworked wool or noils."

5. Overcoats (slate blue, 30-ounce): "The wool shall be fleece and/or pulled wool not lower in grade than 56s, United States standard. Not more than 35 percent of the blend may be reworked wool and/or noils of the same grade."

(c) *Miscellaneous*

1. Sweaters (worsted, olive drab): "Shall be sound staple fleece, or pulled wool, of not lower grade than 56s, Department of Agriculture standards."

2. Shirts (worsted, olive drab): "The wool for warp and filling shall be sound, staple fleece and/or pulled wool not lower in grade than 60s, United States standard."

3. Drawers (cotton-wool, mixed): "The finished fabric shall contain not less than 50-percent wool by weight. The fabric for subtypes 5 and 12 shall be knitted in such a manner that neither the cotton nor the worsted yarns will be thrown wholly to the face or back. The finished fabric for subtype 15 shall contain not less than 36-percent wool by weight."

(NOTE.—"Attention is invited to the fact that requirements for texture and wool content for these garments specify the minimum, and manufacturers should take note of the fact that it may be necessary for them to knit the garments to a higher texture than specified, in order that they may finish the garments to these requirements; similarly, as to wool content, it may be found necessary to use more than 50-percent wool in order that the finished garments may be at least 50-percent wool.")

4. Gloves (woolen, olive drab): "The wool used in the manufacture of the gloves shall be found, strong staple fleece, or pulled wool not lower in grade than 56s, current United States Department of Agriculture standards. The use of reworked wool, card strippings, card fly, or similar waste is prohibited."

5. Gloves, nurses (woolen, olive drab): "Sound, staple wool not lower in grade than 56s (three-eighths blood)."

II. NAVY

(a) *Officers*

1. Officers' uniforms (blue, dark): "Shall be fleece wool, of a grade not lower than 70s (United States standard); staple shall be of sufficient length to meet the hereinafter-described requirements, and shall be free from the admixture of vegetable matter, reworked wools, waste, or any other adulterants."

(b) *Enlisted men*

1. Uniforms (Melton, dark blue, 16-ounce): "Shall be fleece wool, of a grade not lower than 64s (United States standard); staple shall be of sufficient length to meet the hereinafter-described requirements, and shall be free from the admixture of vegetable matter, reworked wools, waste, or any other adulterants."

2. Overcoats (kersey, dark blue, 30-ounce): "Shall be fleece wool, of a grade not lower than 60s (United States standard); staple shall be of sufficient length to meet the hereinafter-described requirements, and shall be free from the admixture of vegetable matter, reworked wools, waste, or any other adulterants."

(c) *Miscellaneous*

1. Shirts and jumpers (dark-blue flannel): "Shall be wool, fleece, pulled or scoured, of a grade not lower than 58s (United States standard); staple shall be of sufficient length to meet the hereinafter-described requirements and shall be free from the admixture of vegetable matter, reworked wools, waste, or any other adulterants."

2. Jerseys: "Shall be not lower than 56s (United States standard); combing wool, free from the admixture of vegetable matter, reworked wools, waste, or any other adulterants. The yarn shall be two-ply worsted. No pulled wool shall be used."

3. Socks (wool and wool-cotton mixture): "The blend shall be composed of wool, not lower in grade than 64s (United States standard) of sound, strong fiber and cotton. The blend shall be so proportioned that the finished socks, exclusive of the heel and toe, shall analyze not less than 50-percent wool."

(NOTE.—"Attention is invited to the fact that the requirements for texture and wool content for the finished socks are minimum. Therefore, manufacturers should take note of the fact that it may be necessary for them to knit the socks to a higher texture, and to use more than the specified wool content in order that the finished socks will meet the minimum requirements.")

4. Undershirts (cotton-wool, mixed): "The finished fabric shall contain not less than 50-percent wool by weight. The fabric for subtypes 5 and 12 shall be knitted in such a manner that neither the cotton nor the worsted yarns will be thrown wholly to the face or back. The finished fabric for subtype 15 shall contain not less than 36-percent wool by weight."

(NOTE.—"Attention is invited to the fact that requirements for texture and wool content for these garments specify the minimum, and manufacturers should take note of the fact that it may be necessary for them to knit the garments to a higher texture than specified, in order that they may finish the garments to these requirements; similarly, as to wool content, it may be found necessary to use more than 50-percent wool in order that the finished garments may be at least 50-percent wool.")

Mr. BARBOUR. Mr. President, the Schwartz bill requiring woolen manufacturers to disclose to consumers, by means of labels, the fiber content of their products, already has the active support of consumer, farm, trade, and labor organizations with a combined membership of more than 12,000,000 persons. In contrast to this, the opponents are comparatively limited in number.

The supporting organizations include, among others:

General Federation of Women's Clubs.

New York City Federation of Women's Clubs.

Chicago and Cook County Federation of Women's Organizations.

American Farm Bureau Federation.

National Grange.

National Farmers' Union.

National Cooperative Council.

National Wool Growers Association.

Texas Sheep and Goat Raisers Association.

United States Live Stock Association.

American Federation of Labor.

Women's Auxiliary, National Federation of Postoffice Clerks.

United Textile Workers of America.

The vital importance of informative labeling legislation for consumers is emphasized in a bulletin entitled "Informative Labeling," issued in June 1938, by the Consumer-Retailer Relations Council organized under the auspices of the National Retail Dry Goods Association. This council includes in its membership the American Association of University Women, the General Federation of Women's Clubs, the National Retail Dry Goods Association, the National Association of Better Business Bureaus, Inc., and the National Better Business Bureau, Inc.

Among the representatives of national and regional groups of women's clubs who appeared in support of the Schwartz bill, was Miss Julia K. Jaffray, representing the New York City Federation of Women's Clubs. Miss Jaffray declared that a substantial number of the members of the National Association of Wool Manufacturers recognized the desirability of the proper labeling of wool products with a differentiation between virgin wool and reclaimed wool.

Representatives of labor, including the American Federation of Labor, through the union label trade department, and of the United Textile Workers, also urged the passage of the Schwartz bill. In a statement to the House committee considering the Martin bill, I. M. Ornburn, secretary-treasurer of the union label trades department of the American Federation of Labor, declared that:

> The union label trades department represents 51 directly affiliated international unions which have a membership of over 1,000,000, including the Sheep Shearers' Union, which is directly interested. Our department has the loyal support of the 4,500,000 members of the American Federation of Labor. In addition, I represent 2,000,000 members of women's auxiliaries in the American Federation of Labor. Consequently, I speak for both men and women in the American Federation of Labor, and I speak for them as consumers.
>
> We are particularly concerned that wool garments be so labeled that the consumer may know within reasonable limitations how much actual virgin wool was used in the manufacture of the cloth of the garment. If substitutes for virgin wool are used—reclaimed wool or rayon or cotton or other fibers—the consumer is entitled to know of their use. * * * We see no justice in * * * delaying passage by Congress of any legislation necessary to strengthen the hand of the Federal Trade Commission in protecting the public from unfair trade practices.

Woolen manufacturers also strongly urged the passage of the Schwartz bill for the protection of the consuming public and for their own protection against manufacturers of adulterated products. They stated that reclaimed wool is an inferior substitute for virgin wool, and results in an inferior product. Some 75 of the most important and representative manufacturers of women's garments, in letters filed with both the Senate and the House committees, declared that this legislation is not only necessary for the proper information of the public, but is essential for their own protection against widespread unfair competition.

The Forstmann Woolen Co., which is located in New Jersey, through its representatives also urged the passage of the Schwartz bill, stating in briefs filed with the Senate and House committees, as follows:

> It is a matter of common knowledge in the wool industry that for years the undisclosed use of reclaimed wool in wool products has been increasing steadily, and that this increase has been greatly accelerated whenever prices for virgin wool have shown an upward tendency. During this same time the undisclosed use of fibers other than wool has also increased tremendously. The net result has been that the wool-manufacturing industry, the only customer of the great American wool-growing industry, today uses more than 50 percent of fibers other than virgin wool in products which it sells to the public as "wool" or "pure wool."
>
> A law which will assure the public necessary information regarding the fiber content of wool and part-wool products must establish as a fundamental a clear differentiation between virgin wool fibers and reclaimed wool fibers. Consumer organizations argue quite correctly that from the standpoint of family economy it is particularly important that wool products be reliable in character, providing adequate protection against climatic conditions, and giving long and satisfactory wear and service. * * *
>
> The wool manufacturer—and not the intermediate jobber, wholesaler, or retail merchant—is responsible for the wear, service, and protection which his products give to millions of consumers, to whom their purchase represents an important part of the family budget. It is the manufacturer, and the manufacturer only, who knows from his records the kind and quality of wool fibers or other fibers which he has utilized in his products. Therefore, he, and he alone, should provide this information in a complete form through all channels of trade up to and including the consumer, and he should be held strictly accountable for any false or deceptive claims which he makes, either by inference or direct statement in the sale of his products.

I want to point out here, Mr. President, that this comes from a very large wool manufacturer, who makes absolutely clear that the manufacturer should have this responsibility. He, as a manufacturer, wants to have it. I stress this point because it has been urged, and probably will continue to be urged, that a manufacturer can only with great difficulty protect the public after the product has left his woolen mill. This very responsible manufacturer says that it can be done and should be done. The Senator who is in charge of this bill has described how it may be done, how it may be done positively and actually. This is simply another instance, obviously, of a reputable manufacturer who is seeking to protect the public saying he can do it, and that other manufacturers can do it and should do it.

Following the unanimously favorable report of the House committee on the Martin bill, on June 16, 1938, Mr. LEA, chairman of the committee, issued a statement to the press declaring that the testimony revealed a situation demanding remedial action by Congress to protect the consumer, the American wool grower's market and legitimate woolen manufacturers.

Mr. AUSTIN. Mr. President, will the Senator from New Jersey yield for a question?

Mr. BARBOUR. I am very glad to yield to my dear friend, the Senator from Vermont.

Mr. AUSTIN. Has the Senator based his argument principally upon the Martin bill?

Mr. BARBOUR. My answer is "No." But I would have to qualify the answer by saying that I want to know just what the Senator means by "principally." I know there is a difference between the Martin bill and the Schwartz bill; but in fairness to the Senator, I must say that in a certain measure or degree what I say is based on the Martin bill.

Mr. AUSTIN. I thank the Senator.

Mr. BARBOUR. The principles embodied in the pending Schwartz bill have been upheld repeatedly in the United States Supreme Court. The Supreme Court has declared that a manufacturer or vendor "has no constitutional right to sell goods without giving the purchaser fair information as to what is being sold," and has stated further that "the rule of caveat emptor should not be relied upon to reward fraud and deception." The standards of business conduct to be observed by manufacturers and vendors in the marketing of products are set forth in the following excerpts of recent decisions:

* * * And it is too plain for argument that a manufacturer or vendor has no constitutional right to sell goods without giving to the purchaser fair information of what it is that is being sold. The right of a manufacturer to maintain secrecy as to his compounds and processes must be held subject to the right of the State, in the exercise of its police power and in promotion of fair dealing, to require that the nature of the product be fairly set forth.

The chief objections to informative labeling legislation for the wool industry have always come from the National Association of Wool Manufacturers. For more than a quarter of a century the association opposed all legislation which would give the consumer any information at all regarding the fibers used by its members in the manufacture of their products. The failure of these measures was noted by the association in its annual reports as an accomplishment on behalf of the industry. Under the pressure of public demand the association has modified its attitude within the past 2 years. It has now agreed to disclose the use of substitute fibers other than wool but opposes disclosure of the use of reclaimed wool as a substitute for virgin wool.

At the present time, and for the past several years, the spokesman for the association has been Arthur Besse, its president. In the short time elapsing since June 1937, Mr. Besse has made various appearances before congressional committees and the Federal Trade Commission and has issued numerous statements defining the attitude of the association toward informative fiber identification legislation for the wool industry.

In the light of the position taken by the organizations to which I have referred, the great labor groups and many other groups who favor this proposed legislation, in the light of the able and detailed speech in behalf of the bill by the Senator from Wyoming [Mr. SCHWARTZ], whose name the bill bears, I will not delay the Senate longer, unless anyone wants to ask me any questions. So I conclude, Mr. President, by simply saying that I believe that all the foregoing requires no further comment than the assertion that obviously it provides conclusive proof of the necessity of the passage of the Schwartz bill in the protection of the public.

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. BARBOUR. I am glad to yield to the Senator from Pennsylvania.

Mr. DAVIS. I have received a letter from Mr. Millard Brown, president of the Continental Mills, Inc., manufacturers of textiles, Armat and Lena Streets, Philadelphia, Pa. I wrote to him sometime ago about the bill and asked him to give me some suggestions so that we might be able to perfect the bill. I quote from his letter as follows:

Let me say to you that this bill cannot be perfected. It is an attempt to benefit one class of the people of the United States at the expense of another section of the people in the United States by men who are absolutely ignorant of what they are attempting to do. The result of this bill will be loss and chaos to the wool grower, on the one hand, and loss and chaos for the employers and employees of the wool textile industry on the other hand, nobody benefiting by it.

Is the Senator sufficiently familiar with the industry to give me his opinion as to the value of that statement?

Mr. BARBOUR. I will say to the Senator from Pennsylvania that I cannot believe all the organizations which I enumerated in the beginning of my remarks can be wrong in any such great degree as that, or could so misstate the fact. I admit to the Senator that there are manufacturers who are very much against this proposed legislation—manufacturers who use shoddy or other substitutes for wool. On the other hand, there are many other manufacturers, of my own knowledge, who use only pure wool, who feel that the passage of the bill would be a great benefit to the trade, not only to their business but to the trade as a whole.

The same argument I think might possibly be used in connection, say, for an example, with milk. In other words, if there is required a standard of purity for milk, which I mention just by way of illustration, it does have a tendency to monopolize that product or commodity in the sense that others who may be adulterating milk cannot longer sell it as pure milk. Some of the largest wool manufacturers, one of them, anyway, in my State, advocate this bill. They say as manufacturers that they can label their goods and see that the wool is traced straight through by a system of ticketing, so that in the final disposition of the article by retail in the sale of a suit of clothes it will carry a label which will guarantee what the cloth really is. The suit in that instance will be made of real, pure wool and so marked.

I, myself, never was in the woolen business, but I was in the manufacturing business for 25 years, and my father and grandfather and great-grandfather before me were in the same business. I mention this only because it indicates that I, myself, and my forebears, have had, may I say, some manufacturing experience. We knew that in the production of our product there could be, if we would stoop to such a practice, the addition of other inferior fibers. Ours is a long-length product, such as yarn, thread, and twine, and we were always glad to show—and we did and do show—on the label that it was pure flax if it was pure flax. The label in that case has always been a guaranty of quality. I, myself, cannot believe that the mere labeling, I would say to the Senator from Pennsylvania, would ruin the trade, unless that trade were improperly labeling their product.

I do not impugn the sincerity of the statement that has been made to the Senator by the manufacturers in his State, but I can show the Senator letters equally strong from other manufacturers, saying that this bill, when it passes, will greatly help increase the production of wool in the United States, will help the wool grower in the United States, and will help the laborer in the factories. I cannot answer technically the Senator's question, but I think I have answered it truthfully.

Mr. DAVIS. Mr. Brown is a very prominent manufacturer of textiles in Pennsylvania; he is president of the Continental Mills; and he informs me that, probably, if we would

introduce a bill similar to the British merchandise marks act and substitute it for Senate bill 162, it would be far better for all concerned.

Mr. BARBOUR. I cannot say as to that, but I should like to have the Senator, if he would be so good, inquire and ascertain whether or not Mr. Brown's concern is not a user of shoddy which it is selling today as wool, or even pure wool. Certainly, the passage of the bill would embarrass any such situation as that, because the producer would have to label his product properly hereafter. I do not say Mr. Brown's factory is doing that, or is doing anything wrong. I do not suggest any such thing; but this proposed legislation does not mean that anyone cannot produce cloth out of anything he wants to. It would not stop a man using reclaimed wool or reworked wool, rayon, cotton, or anything else. It simply says when he does that the cloth so manufactured has to carry that information on its label. It cannot be called something else.

Of course, if a man has been—and I do not charge, as I have said, that this gentleman has been—as I said in my speech, perhaps before the Senator came into the Chamber—if he has been purporting to produce a wool product, and even in some cases has designated it as even pure wool, and it has not been wool or pure wool, this bill, if enacted, would create some chaos in his business until he changed his method of labeling.

Mr. DAVIS. Can the Senator tell me what effect the passage of the bill would have in our own market upon importations that may have shoddy in them? Probably British importations of cloth would have to be labeled, would they not?

Mr. BARBOUR. I do not know just exactly, in all its details, what the situation is in relation to labeling imported articles. Certainly, they should be labeled; and I think—though I am not sure of all the details, as I have said—that they do have to be labeled properly.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. BARBOUR. I am very glad to yield to the Senator.

Mr. SCHWARTZ. I think I can explain that matter. The bill provides that articles imported from abroad, when they come in, must be labeled according to the provisions of this bill; and that information must appear upon the manifests which are required under other sections of the general law, the tariff laws. Under the bill those provisions will be enforced by the Treasury Department, and not by the Federal Trade Commission, until after the products get into this country.

Mr. DAVIS. Mr. President, in a letter which I received from this very prominent manufacturer in our State he says:

> To comply with this act would be extremely uneconomic and would severely handicap the wool textile industry in the fight which is facing it against the importation of British fabrics.

Mr. SCHWARTZ. As a matter of fact, it would protect us against the importation of British fabrics, because there is a delusion abroad in the United States that if one wishes to get a nice piece of cloth he has to get it from Great Britain. As a matter of fact, most and nearly all of the product that comes in is not a high grade of virgin wool but is largely a reworked wool. It is foreign rags worked up into reworked wool. Under the provisions of the bill, there will have to be a labeling to show the contents of the goods, and the importer will have to stand behind the goods, and the investigations and administration of the law will be carried on by the Secretary of the Treasury and the customs officers. So, as a matter of fact, on that particular point the enactment of the bill will be a great service to American manufacturers.

Mr. DAVIS. The Senator is familiar with all the testimony that was presented. I wonder if there was presented to him a chart such as I have here. If the Senator will examine the chart, he will find that at the top of the chart is 100-percent virgin-wool fabric, which is the best fabric of wool, having a fabric merit of 90 percent; and going down on the chart the Senator will find that there are four other fabrics of 100-percent virgin wool which have fabric merit ratings of 76 percent, 61 percent, 58 percent, and 57 percent, respectively.

Mr. SCHWARTZ. Yes; the chart was based on some kind of theoretical merit ratio. We do not know where the cloth comes from. We do not know who selected it. We do not know what its relative weight of wool is. We do not know whether one was a closely woven piece of cloth and whether another was loosely woven. From my study of it, I do not think the chart amounts to anything except as an additional boost to those who are opposed to any kind of labeling.

Mr. BARBOUR. Let me interject here that the subject of so-called merit—the broad, elusive subject of the embracing term of merit—is not the point we are discussing. It is not the point of this legislation. We are discussing wool content—virgin wool content as against reworked wool and substitutes for wool, and the necessity hereafter of truthfully labeling materials so as to show the actual product or substance of which they are made.

Mr. DAVIS. Mr. President, can the able Senator from Wyoming tell me the difference between the British bill and the bill of which the Senator is the author?

Mr. SCHWARTZ. The British bill, as I understand, provides that if a manufacturer labels, he must tell the truth; but he does not have to label if he does not want to. Is not that correct?

Mr. AUSTIN. That is what I understand the situation to be.

Will the Senator answer this question: Does the Senator understand that the British law has been eminently successful?

Mr. SCHWARTZ. I do not know whether or not it has been eminently successful.

Mr. AUSTIN. Does the Senator know that the record shows that that kind of a law can be and is enforced?

Mr. SCHWARTZ. Oh, yes; surely; and this kind of a law can be enforced.

Mr. AUSTIN. Yes; too much.

Mr. SCHWARTZ. It will not be enforced too much to suit some people.

Mr. AUSTIN obtained the floor.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Connecticut.

WAGES OF RELIEF WORKERS

Mr. MALONEY. Mr. President, I am grateful to the Senator from Vermont for yielding to me.

I desire to again respectfully warn Senators concerning a situation which will arise on September 1 in the Work Projects Administration unless Members of Congress are able to prevail upon the Administrator to set aside what seems to be a decision to cut the wages of relief workers on W. P. A. projects in the North and in the West.

I called this matter to the attention of the Senate on one occasion during the past week, and now I note in the Hartford Times of July 18, in an article by Bruce Catton, in which he is referring to the Works Progress Administration, the following:

> Nor will it have any discretion on September 1, when two far more drastic provisions go into effect—the 30-day payless "holiday" for all reliefers who have been on the W. P. A. rolls for 18 months or more—

I should like to say, parenthetically, that I opposed that provision when the bill was under consideration, and I am opposed to it now—

> and the proviso that wage differentials between northern and southern sections be abolished, which will mean wage cuts for somewhat more than a million W. P. A. workers.

Mr. President, I should not be much excited about this matter if the threatened wage cut were not going to affect the man who is a certified relief worker, and who, in my section of the country and in all of the North, and I understand in most of the West, is receiving in the neighborhood of $60 or less per month—$60 per month to support a family!

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. O'MAHONEY. It may be interesting to remark at this point that in many instances the compensation received by relief workers is substantially less than $60 per month.

In region No. 1, from which the Senator comes, the range is from $40 per month to $94.

In region No. 2 the range is from $32 to $79.

In region No. 3 the range is from $26 to $79.

So a false impression is given if one speaks of an average of $60 per month. It is my understanding that there is no such widespread average. The fact of the matter is that hundreds of thousands of relief workers are receiving the minimum, which varies from $26 in the South to $40 in the North and in the West.

I am very glad indeed that the Senator is expressing his opposition to the attitude which apparently is being adopted by the W. P. A. in supporting the amendment which originated in the House, which fixes the 130-hour-per-month schedule.

Mr. MALONEY. I am grateful to the Senator. When I spoke of $60 per month, I was referring to what seemed to be the maximum wage of the relief worker.

I offer no criticism of Colonel Harrington. I think Colonel Harrington shares the view I hold, and that he himself is distressed because he seems to feel it necessary to put into effect this wage cut. I have pointed out to Colonel Harrington, as I reminded the Senate a few days ago, that I think the law provides a sufficient leeway to allow him to maintain the existing wages in the North and in the West. The word "substantially" is used in the law, and I think he might properly keep wages at their present level in the North by a liberal interpretation of the word "substantially."

Further in the law—and I specifically quoted the law in the Senate a few days ago—provision is made concerning the cost of living in the various parts of the country. I know it is difficult to determine accurately what the cost of living is; but I know that in all the United States there is no place where the cost of living is higher than it is in the section of the country from which I come.

To show that Colonel Harrington is sympathetic, I should like to read briefly from his testimony in the House hearings, in which Representative CANNON of Missouri asked him this question:

> You think you are operating this program as economically as it can possibly be operated to meet the actual needs?
>
> Colonel HARRINGTON. The only big economy I can see in operating the program is to cut the wages.
>
> Mr. CANNON. What effect would that have on the standard of living of those being paid out of these funds?
>
> Colonel HARRINGTON. The reports I get state that the standard of living under W. P. A. is low. We know that in many areas the people whose income is from W. P. A. employment are not getting enough to eat. I do not mean to say that they are starving. I do not want to exaggerate it, but they are on a subnormal diet at the present time.
>
> Mr. CANNON. The wages they get are below what is necessary to provide actual food needs?
>
> Colonel HARRINGTON. I believe that is true; yes, sir.

Mr. President, if that is true, and if that is the opinion of the head of the Work Projects Administration—and it is—I say it is the responsibility of Members of Congress, and particularly Members of the Senate, to express their opinion during the next few days. In my opinion it is possible that we shall be gone from here in 10 days; and, in my opinion, unless the Members of Congress emphasize to Colonel Harrington how they feel about the language of the law, and point out to him what they feel was the intent of the law, there is a continuing danger, as the daily press constantly points out, that these wage cuts will become effective.

I shall delay the Senate only a moment more, to point out something which has come to me from the press of my State. I was very sorry to read in the Hartford Times of July 18 that "At least 5,000 W. P. A. workers will be permanently dropped from Connecticut projects under terms of the Federal Emergency Relief Act, it was learned today," and from the New Haven Register of the same date I learn that the Work Projects Administrator for my State has just returned from a conference at Chicago, a conference called by Administrator Colonel Harrington—at which W. P. A. administrators of the various States were in attendance. Immediately upon the return of the administrator to my State he called a meeting of the sponsors in Connecticut, and the New Haven Register has this to say about it:

> Mr. Sullivan listed five major points upon which special emphasis must be placed immediately. They are: Immediate separation of all project workers who have had continuous employment on such projects for 18 months or more, excepting war veterans.

I should like to say again that I am very hopeful that Congress will make an effort to correct the very serious mistake it made. I pointed out at the time the bill was under consideration that it was a mistake, that it was wasteful and extravagant, and that it was going to have a cruel effect upon men who had been denied a chance to save money because of their meager wages.

I should like to continue this brief article—and this is one of the five major points to which I wish to call special attention:

> A continuous review of certification of all project employees of W. P. A.; readjustment of the security wage, which will lower wage rates in this area.

It seems to me, Mr. President, that, as a result of the conference in Chicago, there is a possibility that the administrators were instructed to cut the wages at this time; so I make a special and final plea to the Senate, and more particularly to those Members of the Senate who represent northern and western States, that unless they do something about this matter, unless they make their opinions known—and in this instance I call as a witness Colonel Harrington—there will be serious suffering after September 1.

Mr. President, I have concluded, and I wish to express my special thanks to the Senator from Vermont in permitting me these few moments of his time.

Mr. O'MAHONEY. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. AUSTIN. I yield.

MONTHLY WAGE SCHEDULE IN DANGER

Mr. O'MAHONEY. I merely want to add a word to what has been so well said by the Senator from Connecticut.

I think the attention of the Members of the Senate and of the House, and that of the public, should be drawn to the fact that there are two questions involved in this matter of W. P. A. wages. The first of these has to do with the so-called prevailing rate of wages. The second has to do with the rearrangement of the monthly security wage schedule which apparently is now in progress. The two are absolutely independent of each other and should not be confused with one another. If there has been any dissatisfaction in the land as a result of the abandonment of the prevailing-wage provision which has been in all the relief bills up to date, it will not be a patch upon the dissatisfaction which will become apparent when on the 1st of September relief workers in the West and in the North come to a realization that the present miserable monthly schedule of security wages now being paid has been reduced and that a provision of law which was intended to abolish differentials is being used to cut monthly wages.

Mr. President, I desire to call attention to the fact that these questions arise by reason of the provisions of section 15 (a) of the act which was approved by the President on the 30th of June last. The first sentence of that section reads as follows:

> The Commissioner shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1—

Then come these words:

> which shall not substantially affect the current national average labor cost per person of the Work Projects Administration.

The phrase "which shall not substantially affect the current national average labor cost per person" was understood by members of the Committee on Appropriations and by Members of the Senate to mean that the average monthly payments should not be substantially reduced. Instead of

being interpreted in that manner, it apparently is now being interpreted as a direction to the Work Projects Administration to reduce the security wage paid in the West and in the North in order to raise the security wage which is paid in the South.

LAW IS BEING MISINTERPRETED

If this language should be interpreted to mean that the monthly wage schedule shall be dependent upon the number of relief workers, then obviously it will be necessary to change the schedule of payments almost every month in accordance with the number of persons on relief, because otherwise there will be no possibility of fixing the average, under the interpretation which is being placed upon the law by the Work Projects Administration. This, however, is not the necessary meaning of the language. It could not be the meaning. The language was inserted in the House, when the prevailing-wage formula was abandoned and was clearly intended to prevent a lowering of the monthly payments as a result of the reduction of the hourly rate. The purpose of the provision was to prevent exactly what is now threatened. Congress wanted to be sure that the present monthly schedule should not be substantially reduced. It is my firm opinion that the Administrator of W. P. A. can, without any question, interpret the law as the Senator from Connecticut has so well stated it should be interpreted.

Following the sentence of section 17, which I just read, is this sentence:

After August 31, 1939, such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living.

Obviously the intention of that was to provide that all differentials except those based upon the cost of living should be abandoned. It is admittedly understood that the cost of living in the South is less than the cost of living in the North and in the West, and for the Work Projects Administration to say that, in order to evade this injunction with respect to a differential based solely on the cost of living, wages should be reduced in the high-cost living areas in order to bring up the wages in the low-cost living areas is, to my mind, perfectly absurd.

ORIGINATED IN HOUSE OF REPRESENTATIVES

Mr. President, I wish to make it perfectly clear that, with the exception of the second sentence, section 15 of the relief bill originated in the House of Representatives. The last sentence of this section, which was also written in the House, reads as follows:

The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be 130 hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced, and (2) not exceed 8 hours in any day and shall not exceed 40 hours in any week.

SENATE DEBATE JUNE 27

Because this provision was unsatisfactory, when the bill came to the Senate, this body adopted an amendment presented by the Senator from Nevada [Mr. McCARRAN], the purpose of which was to retain the prevailing-wage provision, abolish the 130-hour schedule written into the bill in the House, and make certain that differentials based on population were abandoned. This amendment was substituted for the House language by a viva voce vote. The House conferees refused to yield, and because the bill had to be signed before midnight on June 30 the Senate gave way.

Mr. President, in order that the interpretation which I have placed on the language may be perfectly clear, I ask unanimous consent that there be printed in the RECORD at this point the colloquy which took place upon the floor of the Senate on June 27, 1939, when an amendment offered by the junior Senator from Georgia [Mr. RUSSELL] was under consideration. This was the amendment which provided for the cost-of-living rule. In the colloquy will be found the statement of the Senator from Georgia that the amendment, if adopted, would not result and need not result in any reduction of the monthly schedule of wages paid in the West and North where the cost of living is high.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. O'MAHONEY. In the preparation of the amendment, did the Senator have in mind the fact that, under the present method of administering W. P A. wages, the country is divided into three so-called wage regions, and that the basic schedule is different in each of the regions?

Mr. RUSSELL. I am not as much impressed by that difference as I am by the differences which obtain within the several States. Of course, I desire to eliminate that injustice. The argument has previously been made that there are great differences in the wages paid in the several sections of the country. The argument has heretofore been made that on a deficiency bill we should not disturb the situation during the course of the year. This time we are preparing to legislate for all of the year 1940, and this provision is designed to eliminate the glaring discrepancies which have heretofore appeared in the compensation of those doing the several types of work in the various geographical areas referred to by the Senator from Wyoming, as well as the differences in wages paid within the several States.

Mr. O'MAHONEY. My reason for alluding to the matter is to secure the benefit of the Senator's judgment as to what the eventual effect of his amendment would be if it were enacted. According to some information I have now received from the Works Progress Administration, the monthly range of earnings in region No. 1 is from $40 to $94, depending upon the type of work which is done. In region No. 2 the range is from $32 to $79, or $8 lower on the minimum wage. In region No. 3 the range is from $26 to $79. Region No. 3 comprises the States of Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama, Mississippi, Florida, Louisiana, Arkansas, and a part of Texas. Is it the Senator's judgment that the effect of his amendment would be to require the reduction of the wage schedules in regions 1 and 2 to that of region 3?

Mr. RUSSELL. I hope that will not be the effect. It is my hope that the wages of the lower-salaried group will be raised. Of course, if the cost-of-living yardstick were applied, there might be some reduction in wages in region 3. As I recall, whenever wage-and-hour bills have been before us, there has been violent objection to any differentials being allowed in wages in private industries between the several sections of the country, and it has been urged that there are great differences in living costs. If that view should be sustained when the Works Progress Administration goes into the question, wages in region 3 might be reduced; but I believe my amendment would tend to equalize the compensation between the several sections of the country for American citizens doing the same type of work.

Mr. O'MAHONEY. Of course, the great discrepancy is that to which the Senator referred a moment ago, within the same State, and within the same region.

Mr. RUSSELL. Undoubtedly.

Mr. O'MAHONEY. Would the Senator seriously object to an amendment by which, after the word "areas," in line 17, page 19, the words "in the same wage region" would be inserted? That amendment would eliminate all possibility of pulling the wages down. I am informed that these three wage regions have been established upon the basis of the living costs. The Senator's amendment is based upon living costs. Therefore, it would seem to me to be an improvement if the words "in the same wage region" were inserted after the word "areas" in line 17. It would eliminate all danger.

Mr. RUSSELL. I could not agree to that amendment. The effect of the suggested amendment would be to have the Administrator empowered to fix a wage scale in one region without regard to the cost of living, so long as he equalized it within the several States in the region. I think the wage scale should be equalized on a national basis, on the basis of the cost of living, because that is one of the standards said to have been used in fixing these scales.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. HUGHES. What is a wage region?

Mr. O'MAHONEY. It is not my definition. I am accepting the fact which has been established by the W. P. A. in dividing the United States into three different wage regions. This division is based upon the experience and studies of the W. P. A. with respect to the cost of living and the rate of wages in these areas.

A moment ago I recited the names of the States which are in region No. 3. In region No. 2 are the States of Delaware, Maryland, West Virginia, Kentucky, Missouri, Kansas, and a part of Texas. All the other States which I have not mentioned are in region No. 1, which is the region having the highest scale.

Mr. HUGHES. We are in very good company.

Mr. GEORGE. Mr. President, will the Senator be good enough to state again the rates established by the W. P. A. in regions Nos. 1, 2, and 3?

Mr. O'MAHONEY. I shall certainly be very glad to do so.

In region No. 1 the range of monthly earnings is from $40 to $94.

In region No. 2 it is from $32 to $79.

In region No. 3 it is from $26 to $79.

Mr. RUSSELL. No; the Senator has the last figure wrong in region No. 2. The last figures are not the same for region No. 2 and region No. 3.

Mr. O'MAHONEY. Let me repeat the figures:

Region No. 1, $40 to $94.

Region No. 2, $32 to $79.

Region No. 3, $26 to $79.

The maximum is the same in regions 2 and 3, but the minimum varies.

Mr. BONE. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. BONE. In view of the fact that section 15 of the joint resolution apparently is the only provision in the joint resolution which attempts to fix the amount of compensation or earnings a person on relief may receive, and this is left wholly to the discretion of the Commissioner, so that at this time we have no means of knowing what he would pay under this very wide grant of discretion, can the Senator from Georgia give me any indication of how many persons can be employed under the proposed appropriation of $1,477,000,000; or is it possible to approximate it, in view of the wide discretion we are giving the Commissioner in fixing compensation for those on relief?

Mr. RUSSELL. Mr. President, I cannot answer that question without knowing something of the wage schedules which will be fixed by the Commissioner. The chairman of the subcommittee, in charge of the bill, may be able to answer the Senator's question, but I doubt whether any member of the committee can answer it.

Mr. BONE. I will ask the Senator from Colorado if he can give us any information at all concerning the number of persons who may earn money under this joint resolution. Section 15 is so broad a grant of discretionary power in the Commissioner to fix compensation that it seems to me there is not any possibility of determining the number of persons who may secure employment. It may be a million, or three-quarters of a million, or a million and a quarter. He may fix wages anywhere from zero to $150 a month. There is no rule set up in this language indicating a limit.

Mr. ADAMS. Oh, yes, Mr. President. Let me suggest to the Senator that his right to fix compensation is limited by the provision that it "shall not substantially affect the current national average labor cost per person of the Works Progress Administration."

Mr. BONE. Well, what does that mean—"the national average labor cost per person"? That is not a yardstick for wages.

Mr. ADAMS. It means that the amount paid shall not affect the average that the W. P. A. is now paying.

Mr. BONE. There is nothing in this language to tie it to or identify it with any standard we have legislatively adopted. Congress has never set up a yardstick in the form of any legislative language. I am not criticizing this provision, the Senator will understand; I am merely pointing out the situation.

Mr. ADAMS. We did not put it in.

Mr. BONE. Well, we ought to know what this language means. We have nothing to guide us.

Mr. ADAMS. I will say to the Senator that this language is here. It embodies the recommendations of the President and of Colonel Harrington and of the House. It is the administrative desire as to compensation.

Mr. BONE. The language is, "shall not substantially affect the current national average labor cost per person." The man does not live who can tell what that language means. There is nothing in the rest of this section, or in the joint resolution, which sets up a standard.

I am not saying this in a critical spirit. I am simply saying that there is nothing in this language which the average human being, let alone lawyers here, would understand. What does "average labor cost" mean? It has no meaning. It has no significance whatever.

Mr. ADAMS. I think it is perfectly obvious, because the labor cost is $61 per month per man.

Mr. BONE. Where does the Senator find that in this joint resolution?

Mr. ADAMS. It is in the testimony.

Mr. BONE. Yes; but the testimony is not law.

Mr. ADAMS. The Senator said nobody could find it. I am telling the Senator where he can find it.

Mr. BONE. But where can it be found after the joint resolution is enacted? The only place anyone will look for a yardstick or a rule is in the law that we pass.

Mr. ADAMS. This provision lays down the standard of the average labor cost per person of the Works Progress Administration, which over and over and over again has been testified to as $61 per month per man. That is the national average referred to in this section as it came from the House.

Mr. HUGHES. Mr. President, will the Senator yield for a question?

Mr. ADAMS. I am glad to yield.

Mr. HUGHES. What is the meaning of "geographical areas"?

Mr. ADAMS. I refer the Senator from Delaware to the Senator from Georgia [Mr. RUSSELL], who drew the amendment.

Mr. RUSSELL. Mr. President, in simple language it means that in the Senator's State of Delaware, under the present wage scale, a common laborer in the county of New Castle is paid 41 cents an hour. In the county of Kent a man doing the same type of labor is paid 25 cents an hour for unskilled labor. That is, in one geographical area one man is paid 41 cents an hour, and in another geographical area, in the town of Dover, he is paid 25 cents an hour. This amendment says that if that difference in wage scale can be justified on the difference in the cost of living, it cannot be touched, but that if there is no difference in the cost of living in the county of New Castle and the county of Kent that will justify 100-percent differential under some of these wage schedules, then the authorities shall either raise the pay of the man in Kent County up to the amount that is being paid in the county of New Castle or else they shall reduce the pay of the man in the county of New Castle to the amount that is being paid in the county of Kent.

I may go further, and say that so far as bricklayers are concerned, if one of the Senator's constituents living in the county of New Castle is fortunate enough to get on the W. P. A. rolls, he is paid $1.50 an hour. A man living in the county of Kent, doing exactly the same work, is paid 75 cents an hour, or one-half the amount. I am endeavoring to eliminate some of those discrepancies.

Mr. HUGHES. I may say to the Senator that there is not the difference in wages of which he speaks in the two geographical areas. There is in the city of Wilmington; but in the rest of New Castle County, which is more than nine-tenths of the county, the same wage scale prevails as in Kent and Sussex Counties.

Mr. O'MAHONEY. Mr. President, if I may interpose at this point, I think I can explain how this differentiation is brought about. I think it will bear out what the Senator from Delaware has said, and I think it will raise a question for the Senator from Georgia to answer.

The difference in the rate of wage now being paid to workers even within the same region is based upon population statistics. In each wage region there are five different schedules according to population. There is one rate for communities the population of which is under 5,000, another for communities having a population of between 5,000 and 25,000——

Mr. RUSSELL. Is that for communities, or is it for counties having cities of that population?

Mr. O'MAHONEY. For counties having cities of that population.

Mr. RUSSELL. I so understood it. Of course, the figures given me by the Works Progress Administration may be entirely erroneous, and the Senator from Delaware may be correct; but those are the figures that were furnished me.

Mr. HUGHES. Mr. President, I want the Senator to have in mind the fact that in my State, in the county of Kent, in the northern part, where the two counties come together, right on the border line, a school library is being built by the W. P. A. The wage scale in the county of Kent is 25 cents, and right across the line, in the county of New Castle, the wage scale is 41 cents, as the Senator says. That has created a great deal of difficulty in working out the problem, because one man would be working on the project and getting 45 cents, and another would be working on the project and getting 25 cents. That arbitrary fixing of the scale of wages causes a great deal of trouble when it comes to working out the problem, owing to the fact that New Castle County is one region and Kent County is another region, and Sussex County is still another region.

Mr. O'MAHONEY. That experience is duplicated all over the country, in practically every State. The Senator from Georgia is referring to a table which shows, apparently, grave injustices in the wage rate. In order that the statement may be clear in the RECORD, however, at this point I should like to continue to identify the different schedules.

The third division is counties in which the largest municipality has a population of between 25,000 and 50,000; the next, population between 5,000 and 100,000; and the next, all over 100,000.

The question I want to direct to the Senator from Georgia is whether the words "geographical areas" will have the effect of doing away with this population schedule.

Mr. RUSSELL. It will, absolutely, unless the discrimination can be justified by differences in the cost of living. If the difference referred to by the Senator from Wyoming can be justified by differences in the cost of living, it will not affect the wage scale; but if it cannot be justified by differences in the cost of living, then it will be the duty of the Administrator of the Works Progress Administration to eliminate the differential.

Mr. O'MAHONEY. Then, is it the conclusion of the Senator that the result of the adoption of this amendment would be that if the cost of living in the three wage regions which have been set up by the W. P. A. justifies different rates of pay, the W. P. A. would be entitled to arrange for different rates of pay?

Mr. RUSSELL. They not only would be entitled to do so, but it would be their duty to do so.

Mr. O'MAHONEY. But that there could be no justification whatever for any difference in rates if the cost of living did not appear of record in the studies of the W. P. A.?

SENATE DEBATE JUNE 28

Mr. O'MAHONEY. Mr. President, in order to make it clear that the Senate substituted for the House provision an amendment which was designed to maintain the old prevailing-wage formula, and also to prevent discrimination in the security wage, I ask unanimous consent to include in the RECORD also the debate on June 28, which followed the presentation by the Senator from Nevada [Mr. MCCARRAN] of

the amendment to which I have referred. It will be observed that this amendment proposed to strike out all of section 15 as it came from the House and to insert in lieu the language offered by the Senator from Nevada.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Mr. MCCARRAN. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 19, line 11, it is proposed to strike out all of section 15 and insert in lieu thereof the following:

"The rates of pay for persons engaged upon projects under the appropriations made in this joint resolution shall not be less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Commissioner of Works Projects: *Provided*, That not less than the minimum rate of pay established by the Fair Labor Standards Act (Public Law No. 718, 75th Cong.) for private industry shall be paid to any person engaged upon projects under this joint resolution: *Provided further*, That in fixing the monthly earning schedule of persons employed upon Works Projects projects, the Commissioner of Works Projects shall consider differentials in such earnings according to the various classes of work only and shall not give consideration to differentials between cities, counties, or other areas upon the basis of degree of urbanization, or any other factor that will tend to discriminate against the less urbanized areas."

Mr. MCCARRAN. Mr. President, we commenced discussing this question in 1933. We have been carrying on the work ever since. It is proposed to maintain in America the wage standard for American living as established by American labor. If the Senate of the United States does not want those who are especially interested in wage standards to advise, then I would say that the Senate should disregard the views of the President of the United States, because following nearly 7 weeks of debate in 1933, at the conclusion of which we were defeated in the prevailing-wage amendment, the President of the United States caused an investigation to be made out of which three great zones in America were established looking to the carrying out of the prevailing wage in each of those zones.

The amendment offered takes into consideration first of all the President's executive proclamations following the battle that he conducted in 1933 for the continuation of the prevailing wage.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. MCCARRAN. I yield.

Mr. WALSH. Is the second paragraph or section of the Senator's amendment, relating to the eliminating any differential, a new principle?

Mr. MCCARRAN. It is not a new principle, if the Senator has in mind a principle that has been worked out and is now in the law.

Mr. WALSH. I understand fully what the Senator said in reference to the first paragraph and the application of the prevailing rate of wage during the years that have passed; but I have wondered whether the second paragraph was likewise in the law.

Mr. MCCARRAN. The second paragraph or the second proviso?

Mr. WALSH. The latter is a better expression.

Mr. MCCARRAN. That is not in the law, but is in the Executive order.

Mr. WALSH. So that the Senator contends that both the first proviso and the second proviso are now, by reason of the Executive order, the law and the manner in which the wages are adjusted and determined under W. P. A. appropriations.

Mr. MCCARRAN. The Senator is entirely correct. In the President's executive order is involved the security wage. So the security wage has been established, after a study resulting in an Executive order by the President. And then involved in this matter is something more, namely, the wage and hour provision. In other words, we established a floor below which wages could not go, namely, 25 cents per hour.

Mr. WALSH. Does that floor increase with the years, as the wage and hour law provides?

Mr. MCCARRAN. It does not increase.

Mr. WALSH. It remains for the present year at the minimum wage fixed in the wage and hour law, namely, 25 cents?

Mr. MCCARRAN. That is correct. But may I bring to the mind of the Senator the three zones established by the Executive order in which the particular minimum-wage scales prevail? There are four wage scales.

Mr. WALSH. Is the minimum wage the same in all those regions?

Mr. MCCARRAN. They are not the same. They cannot be the same, because the wage and hour measure does not contemplate that they would be the same.

Mr. WALSH. The wage and hour measure makes the minimum wage uniform throughout the whole country?

Mr. MCCARRAN. Yes, sir; uniform over the entire country. That is true. But remember that the Executive order provides for three zones, and those zones with their particular classification of hours and the particular classification as to monthly earnings, must be contemplated.

I may say, Mr. President, that while we started the battle for this amendment in 1933 with the idea of establishing a wage in conformity with what the labor class of the country had evolved by experience, we have now worked into the amendment not only that experience but also the law as it has been evolved by the Congress. I submit it to the Senate with the hope that it may be adopted as a substitute in place of the present section 15.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. MCCARRAN. I yield.

Mr. LODGE. As the Senator knows, I am strongly in favor of the prevailing wage principle. I should like to ask the Senator whether the words in the amendment "or other areas" mean that there shall be no difference in pay or in rates of pay between the various sections of the country?

Mr. MCCARRAN. In that regard, if the Senator will bear in mind in connection with my answer the three zones, each of which carries its particular rate of pay——

Mr. LODGE. That is what the W. P. A. calls a wage region.

Mr. MCCARRAN. A wage region. With that in mind, if I catch the Senator's question, I think my answer is that within the zone there is no differential.

Mr. LODGE. This would not act as a prohibition to a differential between different zones, would it? There would be a differential between different zones, but there would not be a differential within the zones; is that correct?

Mr. MCCARRAN. There would be no differential within the zone.

Mr. LODGE. But there would be one between the zones.

Mr. MCCARRAN. That is correct. In other words, let us assume we are in the first zone, and let us assume, if I may go home, that the principal city in my State, with a population of 30,000, has established a wage scale which is recognized by the various methods by which recognition is accomplished. Now let us assume that a project is outside that particular city. Then the wage scale of that city shall prevail in that project which is outside. But let us assume that over in Idaho, an adjoining State in the same zone, a different wage scale is attempted to be established. Then the amendment carries the idea that the same wage scale shall prevail within the zone in the same district.

Mr. LODGE. But it does not require that the same wage shall be paid in Nevada as is paid in Massachusetts, let us say.

Mr. MCCARRAN. I am not certain whether or not Massachusetts is in the same zone.

Mr. LODGE. Assume that they are in different zones.

Mr. MCCARRAN. I am assuming that. I would say "no." I rather think, if I hold in my mind the zones as they have been portrayed, that New England is in the same zone as Nevada.

Mr. LODGE. Then that is a poor illustration. The point I am trying to get at is that there is no attempt in this amendment to iron out all the rates on a uniform basis.

Mr. MCCARRAN. The Senator is correct in that regard.

Mr. President, I submit the amendment and ask for a record vote.

The PRESIDING OFFICER. The yeas and nays are demanded.

Mr. DAVIS. Mr. President, the first prevailing-wage scale was approved by the President of the United States on March 3, 1931. During the years I have been in the Senate I have consistently upheld the principle of the prevailing wage. In 1931 I was actively identified with the movement which finally resulted in the enactment of the Davis-Bacon bill. I have followed this principle through in its application to industrial firms doing business with the Government under the terms of the Walsh-Healey Act. I favored and voted for the essential principles of the Fair Labor Standards Act. The American Federation of Labor over a long period of time has held a consistent position in these matters.

Mr. President, I ask that a copy of the Davis-Bacon Act, approved March 3, 1931, be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The act is as follows:

"[Public—No. 798—71st Congress]

"[S. 5904]

"An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes

"*Be it enacted, etc.*, That every contract in excess of $5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contracts which cannot be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

"SEC. 2. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act."

Mr. DAVIS. Mr. President, I am for the pending amendment and hope it will be enacted into law.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. MCCARRAN].

Mr. O'MAHONEY. In order to perfect the amendment and to make clear the point which was raised by the question of the junior Senator from Massachusetts [Mr. LODGE], I move that the amendment be amended by inserting after the word "city" the word "or" and by striking out after the word "county" the words "or other areas." That modification makes clear the interpretation which the Senator from Nevada and the Senator from Massachusetts have agreed upon.

Mr. MCCARRAN. Mr. President, I accept the amendment.

The PRESIDING OFFICER. The Senator so modifies his amendment.

Mr. WAGNER. Mr. President, may we have the amendment as now modified reported?

The PRESIDING OFFICER. The amendment offered by the Senator from Nevada [Mr. MCCARRAN], as modified, will be stated.

The LEGISLATIVE CLERK. The amendment, as modified, proposes to strike out, on page 19, line 11, all of section 15 and insert in lieu thereof the following:

"The rates of pay for persons engaged upon projects under the appropriations made in this joint resolution shall not be less than the prevailing rates of pay for work of a similar nature in the same locality as determined by the Commissioner of Work Projects: *Provided*, That not less than the minimum rate of pay established by the Fair Labor Standards Act (Public Law No. 718, 75th Cong.) for private industry shall be paid to any person engaged upon projects under this joint resolution: *Provided further*, That in fixing the monthly earning schedule of persons employed upon Work Projects projects the Commissioner of Work Projects shall consider differentials in such earnings according to the various classes of work only and shall not give consideration to differentials between cities or counties upon the basis of degree of urbanization or any other factor that will tend to discriminate against the less urbanized areas."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. MCCARRAN] as modified. [Putting the question.] The Chair is in doubt.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

On a division the amendment, as modified, was agreed to.

ADMINISTRATION OF UNITED STATES COURTS

Mr. BURKE. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I yield.

Mr. BURKE. Mr. President, yesterday I gave notice that at the proper time I would make a motion to reconsider the vote by which the House amendment to Senate bill 188 was agreed to. I now enter the motion.

I ask unanimous consent that the Senate now reconsider the vote by which the House amendment was agreed to. I am proceeding by authority of the chairman of the Senate Committee on the Judiciary [Mr. ASHURST], who is unavoidably detained and who asked me to present the request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the vote is reconsidered.

Mr. SCHWARTZ. Mr. President, I do not believe I understand just exactly what it is the Senator desires to have done. Is this the question debated by the Senator from Indiana yesterday?

Mr. BURKE. No; this is another matter altogether. We will not go into that question.

Mr. AUSTIN. Mr. President, is this the matter to which there were objections yesterday?

Mr. BURKE. There were no objections made to this on yesterday. The Senator is referring to another matter, having to do with the administrative courts, about which the Senator from Indiana and the Senator from Kentucky and others were arguing. This is an altogether different bill, one referring to an administrative officer of the court.

Mr. AUSTIN. I understand.

Mr. BURKE. The Senate passed the bill and the House passed the Senate bill with an amendment, and when the amendment came to the Senate we had the feeling that it was not material, so the chairman of the Senate Committee on the Judiciary moved that the Senate concur in the House amendment.

Thereafter, upon a more careful study, some of us felt that the amendment should be examined more carefully, and therefore we asked to have the action of the Senate rescinded, and that has been done. I now move that the Senate disagree to the House amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HATCH, Mr. LOGAN, Mr. BURKE, Mr. AUSTIN, and Mr. DANAHER conferees on the part of the Senate.

PASTOR MARTIN NIEMOELLER

Mr. DAVIS. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I yield to the Senator from Pennsylvania.

Mr. DAVIS. Mr. President, the free independent spirit in man is a source of pride in the heart of every true American. We admire the man of courage and heroic stature. Such a man is Pastor Martin Niemoeller, now held, so we are told, in a concentration camp at Sachsenhausen, Germany. Niemoeller is in a concentration camp because he dared to uphold his right of religious liberty as minister of a German Lutheran Church. He has braved suffering for his faith. His free spirit and loyalty to conscience have stirred with admiration the hearts of millions of free people who have no special identity of interest with him in race, class, or creed. Today as a champion of human liberty Niemoeller is an unquestioned power. In his concentration camp he is silently fighting for all free men the battles of intellectual and moral integrity.

Martin Niemoeller is under the laws of his country. I do not seek to interfere with those laws, for they are completely subject to the will of a foreign power. I would not by any slightest inference wish to be placed in the position of meddling with the internal policy of a country not my own. However, I believe I speak for millions of my fellow countrymen when I say that should Martin Niemoeller and his family come knocking at the doors of America they would find a hearty welcome here because of the admiration we hold for the Niemoeller spirit of liberty.

As I understand, Martin Niemoeller, his wife, and seven children are permitted, under the provisions of subsection (d) of section 4 of the Immigration Act of 1924, as amended, to enter this country as nonquota immigrants. This section reads:

> An immigrant who continuously for at least 2 years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, the editorial of Paul Block, published in the Pittsburgh Post Gazette, July 8, 1939, entitled "A Godless Nation Cannot Long Endure."

The PRESIDING OFFICER. Without objection, it is so ordered.

The editorial is as follows:

A GODLESS NATION CANNOT LONG ENDURE

The second anniversary of the imprisonment of Pastor Martin Niemoeller, marked by his clerical colleagues from all parts of Germany and by 3,000 loyal German Protestants, recalls once more this brave clergyman's fight against the Nazi regime's efforts to dominate the church.

The Nazi war on religion has been waged on all fronts; no creed has been safe from the brutal attacks of Hitler's followers. All ranks of Catholics, from cardinals and bishops to village priests and Sisters of Mercy, have been subjected to indignity. Their homes have been stoned and invaded, they themselves have been injured and imprisoned—all because they have refused to worship Hitler before God.

The treatment of the Jews in Germany is known to the whole world, and there is no need to repeat it here.

Hilter and the atheists around him have not spared from their attacks the Protestant Church which has the largest membership in Germany. This should be proof, if any is needed, that the Nazis are determined to destroy religion and the church just as it has been destroyed in Russia.

In the course of the attempt to nazify the Lutheran Church, more than 700 Lutheran pastors were arrested. The best-known of these was Pastor Niemoeller, not only because of his patriotic record as a submarine commander in the last war, but because of his outspoken refusal to tolerate state interference with freedom of religion. But the Nazi fury has not stopped at Niemoeller himself. An attempt has now been made to oust from the

parsonage which they have long occupied Niemoeller's wife and seven children.

That the resistance to such dastardly acts has not abated while Niemoeller and a number of his fellow pastors languish in concentration camps is shown by the bold defiance issued by Pastor Friedrich Mueller, who has been substituting for Niemoeller in the latter's pulpit during his imprisonment. Mueller, who has himself seen the inside of a Nazi prison, has charged the Nazi leaders with "waging a battle against Our Lord Jesus Christ."

If there were nothing else against Hitler and his henchmen, this attempt to destroy the church would alone be enough to condemn them and will eventually lead to the defeat and destruction of the Nazi regime. For religion and the church have been attacked for nearly 2,000 years, yet are stronger today than ever before.

PAUL BLOCK, *Publisher.*

EXPORTATION OF SCRAP IRON

Mr. DAVIS. Mr. President, while I am on my feet I wish to say something about the exportation of scrap iron. I am informed on good authority that during the last 5 years 13,000,000 tons of scrap iron have been exported from the United States. This is enough scrap to produce 8,500,000 tons of finished steel. Instead of being processed in this country, this steel was made abroad. If this scrap were made into finished steel in this country it would provide 52 man-hours of work for every ton processed. This would be the equivalent of work for 250,000 American workers, working 40 hours a week for 52 weeks in the year.

By the exportation of this scrap for refinishing in other lands American workers of many kinds are being deprived of employment. This is true of furnace men, finishers, salesmen, and thousands of men in transportation industries.

Mr. LUNDEEN. Mr. President, I wish to address a question to the Senator from Pennsylvania. Will the Senator from Vermont yield to me for that purpose?

Mr. AUSTIN. I yield.

Mr. LUNDEEN. The Senator spoke about jobs which could be furnished to idle workmen in America. The Senator, as I understand, does not propose to send the finished armaments to Japan?

Mr. DAVIS. No. What I said does not apply to finished armaments.

Mr. LUNDEEN. The Senator merely wishes to have the scrap iron processed into pig iron, as I understand?

Mr. DAVIS. Yes. It affects also the iron-ore miners in the State of Minnesota.

Mr. LUNDEEN. I so take it, and I value the remarks of the able Senator in that respect, because if we are to export these products, let us do so in such a manner that we shall benefit our own workmen in the United States. I could join the Senator in that sentiment, because we have a rather serious unemployment situation in the United States, and if we could find 250,000 jobs for American workmen I should be in hearty accord with the suggestion of the Senator from Pennsylvania.

Mr. DAVIS. Mr. President, I cannot now occupy more of the time of the Senator from Vermont. I had expected to go into this matter more fully, but I shall not undertake to do so today. At a later time I may do so; but I do not now wish to take the time of the very able and distinguished Senator from Vermont who desires to speak on the pending legislation.

TRUTH IN FABRIC

The Senate resumed the consideration of the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Mr. AUSTIN. Mr. President, I observe four Senators on the Democratic side of the aisle and five Senators on the Republican side of the aisle. I have been on my feet approximately 45 minutes. I have been interrupted by discussions of all kinds and varieties of subjects, including junk, I think some six times, and I call the attention of the world to the lack of interest of the United States Senate in the passage of Senate bill 162.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. O'MAHONEY. The Senator realizes, of course, that the lack of interest is due to a realization upon the part of the Members of the Senate that the bill is overwhelmingly approved in this body, and that it is not necessary to remain on the floor while the Senator leads the filibuster against its adoption.

Mr. AUSTIN. Mr. President, I am complimented by this attempt to blow up wind. I know that the colleague of the author of the bill needs to do something to keep up his courage, for this bill in principle has been defeated during the past 25 years many times.

Mr. O'MAHONEY. Mr. President, will the Senator again yield?

Mr. AUSTIN. Yes; I yield.

Mr. O'MAHONEY. I have observed that whenever any attempt was made to protect consumers in the United States, as, for example, when the Pure Food Act was under consideration, there were men who made the same argument that the very able Senator from Vermont is now making. Whenever it becomes necessary in order to protect the consumers from deleterious food or shoddy cloth, someone is sure to take the floor and make the arguments which the Senator from Vermont is now about to make, and, of course, Senators do not want to listen to that kind of argument, and therefore they do not come on the floor.

Mr. AUSTIN. Mr. President, again I am complimented by the colleague of the author of the bill. He is evidently a mind reader. He thinks I am possessed of an argument against the bill.

Mr. O'MAHONEY. Mr. President, I think I indicated that the Senator is not possessed of an argument. The Senator, to use his own phrase, is merely trying to "get up the wind."

Mr. AUSTIN. Mr. President, I have not commenced the argument, and if the distinguished Senator from Wyoming will remain patient a little while, he may listen to an argument.

Mr. O'MAHONEY. The Senator has just revealed the inaccuracy of his statement.

Mr. AUSTIN. Mr. President, I am not at all disturbed by interruptions; and I shall be glad to have the colleague of the author of the bill interrupt me at any time, even after I have commenced my argument.

I am about to mention to a nearly vacant Chamber some of the reasons why this type of legislation has not been passed during the past 25 years, and some of the reasons why it should not be passed now, not with a view of changing the mind of any United States Senator, many of whom have now come into the Chamber, and are complimenting me to the extent of listening to what I have to say, but with the view perhaps of affording those who sit in the gallery, who have propagated the evidence which has been cited here, some reasoning, some facts, which I believe they have never had under consideration, and so that the RECORD at least will contain an amplification of the minority views which were very briefly stated and contained on one page alone of the report of the committee.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. O'MAHONEY. I understood the Senator to refer to the minority view.

Mr. AUSTIN. I believe the Senator has correctly understood the statement.

Mr. O'MAHONEY. The Senator was in the minority in the committee; and he is in the minority on the floor of the Senate.

Mr. AUSTIN. The Senator from Vermont finds himself in the minority of the Senate. Unfortunately, he has been in that position ever since he came to the Senate. Often there has been cause for discouragement, Mr. President, because of the impossibility of holding back the attack upon fundamental principles which has been made throughout all the time the Senator from Vermont has been in the minority; but he has never been discouraged. He is not now discouraged; and if he stood alone on this question or on any other question in which he believed he would make the fight for principle, believing that ultimately sound principle will prevail in the United States of America, and that in the end we shall clarify our views by the kind of proceeding which

is going on at this instant; that is, by discussion. Of course, I take no offense at the charge which is expressed that I am filibustering against the bill. I believe those who listen to me will find that I shall talk about the proposed legislation all the time I shall occupy the floor.

I am opposed to Senate bill 162, not because its authors desire to have goods truthfully labeled. I am for that principle. I believe that principle can be written into law if necessary. However, I assert that it is not necessary to add anything to the present law. Already our statutes contain sufficient provisions to enforce a proper labeling of goods which go on the shelves of our markets; and if any complaint is to be made that the laws are not enforced, I say the failure cannot be charged to the Congress of the United States, but can be charged to the law-enforcement officers of the United States.

Moreover, Mr. President, I think all know that the Federal Trade Commission is now considering the amplification and strengthening of its rules, which under the law it has the right and the power to make, with respect to branding all fabrics, both in their manufacture and in their merchandising.

Even though I hold the view that our present law is adequate, I am willing to go still further. I am perfectly willing to make the gesture necessary to show how much Congress is interested in fair trade and in protecting the interests of the consumer in obtaining the right kind of goods, the goods he thinks he is buying. I am willing to enact laws which would accomplish that purpose; but I am opposed to this particular bill because it goes far, far beyond such a purpose. I am opposed to the pending bill because, at a most unfortunate time in our history, it undertakes to add to the control of a great Government at Washington over the small, intimate affairs of the people of the country. I am opposed to the bill because it imposes upon agriculture a control from which agriculture will feel injury in the future.

The pretense that this is the bill of the wool growers of America is absurd. The wool growers of America would profit nothing from the enforcement of Government control to the extent contained in Senate bill 162.

In the first place, I think the most outstanding element of that control is setting up a mark possessed by only a few manufacturers in the entire world. I refer to the mark "virgin wool." The significance of that mark is so defined in the bill that only Mr. Forstmann and men like him can have the benefit of the proposed act just so long as the small group of society which can afford to buy superior products is still able and willing to pay the price for goods marked with the trade-mark "virgin wool."

Mr. WILEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WILEY. Am I to understand that the gentleman just mentioned by the Senator has a trade-mark on the term "virgin wool"?

Mr. AUSTIN. No; he has not. However, he would have if the bill were enacted. He is the man who is especially interested in Senate bill 162.

We are providing, on page 2 of the bill:

(c) The term "virgin wool" means wool which has never been reclaimed from any spun, woven, knitted, felted, or otherwise manufactured product.

Virgin wool is wool from the back of the sheep. If anyone uses the label "virgin wool," and more than 5 percent of the total weight of wool in the garment is reclaimed wool, and that fact is not specifically noted, he is subject to imprisonment.

We have trade-mark laws in this country which up to this time we have supposed were ample to protect the special privilege granted to a person who has gained merit and who has devised a mark which is arbitrary in its character—that is, the product of art—and which, when attached to his product in commerce and used until it has acquired a goodwill in the United States, is entitled to protection as a trade-mark. But whoever heard of a man who owned a trade-mark being able to have a fellow citizen who infringed it put in jail as a criminal? Nobody.

Let me ask another question, Mr. President: Whoever before heard of a citizen of the United States being granted a trade-mark of a name which was not artificial, not the product of his genius, not attached to his goodwill, not a part of the business that he had built up? Nobody; until we find these words, which belong to all mankind because they are not artful, given a practically exclusive privilege by the fact that there are only a few in this country who can manufacture, or who are in the business of manufacturing, textiles of virgin wool.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. SCHWARTZ. The Senator has changed his original statement. He said that the designation "virgin wool" was a trade-mark to Mr. Forstmann. As a matter of fact, the designation "virgin wool" is available to any manufacturer in the United States.

Mr. AUSTIN. Yes.

Mr. SCHWARTZ. There is no reason why a wool manufacturer cannot make a garment of virgin wool if he wishes. There is nothing in the technique of his machinery which would prevent him from doing so.

Mr. AUSTIN. Not at all.

Mr. SCHWARTZ. I should also like to have the Senator tell me under what provision of the bill a man is liable to criminal prosecution if the tag required to be put on the goods is inaccurate.

Mr. AUSTIN. On page 16, line 13, we find section 10, which reads as follows:

CRIMINAL PENALTY

SEC. 10. Any person who willfully violates sections 3, 5, 8, or 9 (b) of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than $5,000, or be imprisoned not more than 1 year, or both, in the discretion of the court: *Provided*, That nothing herein shall limit other provisions of this act.

Whenever the Commission has reason to believe any person is guilty of a misdemeanor under this section, it shall certify all pertinent facts to the Attorney General, whose duty it shall be to cause appropriate proceedings to be brought for the enforcement of the provisions of this section against such person.

Now, Mr. President, turn back to section 3 to which section 10 says to turn back, and what do we find?

The introduction—

I read from page 3, section 3—

The introduction, or manufacture for introduction, into commerce, or the sale, transportation, or distribution, in commerce, of any wool product which is misbranded within the meaning of this act, or the rules and regulations hereunder, is unlawful and shall be an unfair method of competition.

And so forth, and so on. We need look no further, although similar provisions are found in other parts of the bill. Those two sections make the violation of the labeling provision a misdemeanor for which a man may be imprisoned.

Mr. SCHWARTZ. Mr. President, in section 4 there is no criminal penalty, and as to section 3 or any of the other sections there has got to be a willful violation. "Willful," of course, means that there must have been abiding in the man an intent to violate the law. Are we to have a law that a man can intentionally violate and then be subject to no criminal action?

Mr. AUSTIN. Certainly we have such laws under our free institutions. For instance, we allow a man to violate a trade-mark willfully without throwing him into jail.

Mr. SCHWARTZ. This is not a trade-mark matter.

Mr. AUSTIN. That is the point exactly. Never before have we made it possible, when a man or group of men who by virtue of their economic circumstances were able to secure from the great, powerful sovereign a mark, that for a willful violation of that mark by another the violator or infringer could be thrown into jail. Never before has that occurred, and I hope we will not see it occur now.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes.

Mr. SCHWARTZ. I hope we are making progress. It is undoubtedly true that in the past, if someone was great enough, if someone had money enough, if his business was widespread enough, and his conscience was evil enough and he violated the Trade-Mark Act, all that could be done to him would be to slap him on the wrist and tell him not to do it again. But we are getting beyond all that. People who intentionally violate a law cannot merely pay the damage, change their names, and come back and do it again.

Mr. AUSTIN. I am glad the Senator is frank about it. He is the author of this bill; he has carried out his attitude toward the citizen, toward our style of government, toward our free institutions by what he has written in this bill and what he now says about the violation of trade-marks.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. O'MAHONEY. Of course, the Senator does not really contend that there is any possible analogy between the provisions of this bill and the trade-mark law? The trade-mark law, as the Senator well knows, merely authorizes any person engaged in commerce to select for himself a mark which shall identify his goods. This is a provision which makes it unlawful for a person to attach a false label to goods. This bill, like many others which have been enacted into law, is intended to prevent misbranding for the protection of the consumer.

The argument the Senator is making would be an excellent argument before a jury that might not be familiar with principles of law. I doubt very much whether it is especially designed to convince the intelligence of Members of the Congress. It boils down to this: The Senator's contention is that those who use shoddy shall be free to mark it "all wool."

Mr. AUSTIN. Mr. President, that is a good deal of an assumption. I cannot recall making any such argument or any such claim, and it is evident that there is enough to what I have pointed out with respect to the effect of this bill, if it should be enacted into law, to provoke a very earnest reply from the author of the bill and his colleague. I believe that it will need reply from more than them to change the clear, legal, and factual consequences of that provision in the bill.

We have listened to the reading of a long list of supporters of this proposed legislation. Mr. President, in 25 years much literature has been circulated all over the country, but who is there who comes to the Congress of the United States after 25 years to urge the passage of Senate bill 162? Are they people in general or are they those who have been inspired or excited to come here by propaganda emanating from centers such as this great center, the Capital of the United States?

Mr. WILEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Wisconsin.

Mr. WILEY. Mr. President, as the Vice President of the United States said the other night, according to reports, let us be practical. I understand from the argument of the Senator that if this bill were passed it would practically give a monopoly to a few who manufacture virgin wool. Is that correct?

Mr. AUSTIN. That is correct.

Mr. WILEY. I wish the Senator would amplify that statement so that we may understand clearly not only the implication involved but the result upon the producer of wool and upon the manufacturer who employs labor.

Mr. AUSTIN. Very well, I will do that.

Mr. President, I take my own little State for example. By far the largest number of mills in my State are small mills located on little shining rivers. Some of them have been able to live and carry on for more than a century. I know of one mill which a year ago celebrated its one hundredth anniversary, a mill conducted throughout all those years in the name of one family and still conducted by the direct lineal descendants of that family. Those mills manufacture goods that the plain man and woman wear. They are not high-priced goods; they are low-priced goods. The mills do business on a very small margain of profit. Throughout the depression some of those mills had to close. Some of them have experienced the fear that the closing might mean the permanent ending of constructive work in small communities in Vermont. It would be utterly impossible for them, from an economic point of view, to convert those factories into mills that could compete with Mr. Forstmann and a few large institutions that are able to manufacture fabrics from nothing but virgin wool.

In the first place, they would have to find a market. Mr. Forstmann has the market now. They would have to go out in competition with him. I ask the Senator, being a businessman, what chance for the future would there be for those little mills in Vermont if they undertook to enter the market for virgin-wool fabrics? They would have to give up their own market to do it. Their market is a moderate-price market. People for a century and a half have bought their goods at moderate prices, mackinaws, for example, for $2 apiece. They are not made of virgin wool, and, as a matter of scientific fact, we were informed that some fabrics made of wool and other fibers mixed together are better goods for the workingman, for the man who wears a mackinaw, than would be the virgin-wool garment, because the mixed fabric holds up better, is stronger, and wears longer, and is warmer.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. SCHWARTZ. What is to prevent, even under this bill, the manufacturers the Senator is now talking about from continuing in the business in which they are now engaged?

Mr. AUSTIN. I am coming to that.

Mr. SCHWARTZ. They have been in the business——

Mr. AUSTIN. I am answering first the question of the Senator from Wisconsin.

Mr. SCHWARTZ. They have been in the business for a 100 years and have an established line of customers.

Mr. AUSTIN. I will answer that presently. I might briefly say "price."

Mr. SCHWARTZ. This bill will not affect the price of the article which they sell.

Mr. AUSTIN. It will not?

Mr. SCHWARTZ. No.

Mr. AUSTIN. Does the Senator think that they could undertake the bookkeeping and inspection required to conform to the terms of this bill without adding anything to the cost of production of these cheap garments?

Mr. SCHWARTZ. They know what they make; they know what they put in the goods, what percentage of wool they put in, and the only extra cost involved will be to attach additional labels or a few more lines of printing on the same labels they now use.

Mr. AUSTIN. I believe the Senator is overlooking history when he undertakes to claim that Government control of business does not add to its cost. Our experience universally proves the contrary. But I am being diverted from my answer to the question of the Senator from Wisconsin. It is a matter of practical competition. Who can afford to provide the looms and the mills, employ the skilled labor, buy the raw material, and go out and get a new market in competition with those who now have it? When we look the field over and see on what a close, thin margin these small mills throughout the United States are now operating it can readily be seen how small an added burden it will take to put them out of business.

That is where the monopolistic effect comes in. As they go out of business, the strong manufacturers grow stronger. That is the evolution of pernicious monopoly. Put this label by law on the goods of a few men today and they will grow richer, their goods will grow more costly, and their customers will become less numerous. The small mills that now manufacture reprocessed wool into garments will be unable to compete with them, because of the anathema which this bill puts upon them in the market. If a woman must choose between virgin wool and reprocessed wool, or reused wool, or some other inferior wool, and pay a higher price than she is now paying, she will cease to purchase wool, and will find other

types of textiles. There will be substitute materials which do not have to carry the burden of Government control.

This is only one step in a grand scheme; this is only one more step toward having the lash of criminal punishment put upon those who transgress the monopolistic privileges it is proposed to grant; this is only one step in the process of centralization at Washington of control over all business.

Do you think, Mr. President, that in the long run substitutes for virgin wool will escape control? Oh, no, indeed. Very soon after virgin wool has had the sun of beneficence of a powerful sovereign smiling upon it, substitutes will also have to come under the control and the monopolistic beneficence of the Federal Government.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Maine.

Mr. WHITE. I notice in section 3 of the bill that the manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce of any wool product which is misbranded, and so forth, is declared unlawful.

I can well understand how a manufacturer might be able to tell the quality of the wool which he processes into a fabric—that is, how he might tell whether it was virgin wool or reworked wool—but I have been told that there are absolutely no tests which can be applied to the completed fabric to determine whether there is virgin wool or reworked wool in the fabric. Is that a correct statement?

Mr. AUSTIN. Mr. President, I believe it to be correct. There are those who claim they can do it. On the other hand, our Bureau of Standards says it cannot do it.

Mr. SCHWARTZ. Mr. President——

Mr. WHITE. Permit me to finish the question. Assuming that to be true, of course we could check closely, and we perhaps could prevent the manufacturer within the jurisdiction of the United States from putting into the fabric anything but virgin wool unless he marked it according to the quality or kind of wool which went into the garment.

Mr. AUSTIN. Yes; it can be done here by injunction, and it can be done by criminal prosecution.

Mr. WHITE. But what I am coming to is, what about the foreign manufacturer? By our reciprocal-trade arrangements we are undertaking very greatly to increase the importations into this country of wool fabrics of one kind and another. How are we going to reach the foreign manufacturer? How are we going to know whether he has used virgin wool or reworked wool, or what he has used? And when his product in the fabric reaches this country, what are we going to do about it? What can we do about it? Under the terms of the bill, as a matter of fact, have we not placed a premium upon the foreign manufacturer of woolen fabrics, and correspondingly placed a burden upon the domestic manufacturer of woolen fabrics?

I am asking a question rather than making an assertion.

Mr. AUSTIN. Mr. President, assuming that we cannot with certainty ascertain the relative quantities of virgin wool and reworked wool in a garment, probably we could not enforce this law against imported wool products; but I will add that probably we never could enforce it against goods domestically merchandised, goods that come from the farm through the factory and the store to the consumer, all within the United States. But in section 8 of the bill there is an attempt to exclude misbranded wool products. I should like to postpone the discussion of that subject until later, because it is quite an important one, and I should like to keep my discourse as nearly regular as I can. I desire to conclude the point I started on with respect to monopoly.

I have dealt with the manufacturer, and have undertaken to point out the practical effect of having a few men or a few factories in the United States that are able financially and because of their mill set-up and because of their markets to enjoy the exclusive benefit of the label "virgin wool," and how all the other manufacturers in the country would be at a great disadvantage. Some of them possibly might be lifted up in some way to the same level, and be able to compete to some extent; but the natural effect of the law would be to consolidate the position of the strong and make him stronger, and to consolidate the position of the weak and make him weaker.

But someone else is involved in this proposal, and that is the sheep raiser. What is going to happen to him as this law goes into effect, and this monopoly, this superiority that is given to the product of a few manufacturers, gains possession of the market? He will be in the hands of a few buyers who will control the entire situation. He will get the small end of this stick. His prices will not concern the manufacturer, except on the question of how cheaply the manufacturer can get his product. If the manufacturer is the wool grower's only market, and there are only a few manufacturers, what opportunity will the wool grower have, by a broad market with many competitors, to offer his goods here and there until he gets his price? He will have to take what is given to him; and, what is worse, he will have a market for only the quantity of virgin wool which the people of the United States will take, which quantity, I claim, will be lessened by the effect of this bill; for the price controls the quantity, and the price will go up; the number of consumers of virgin-wool goods will go down; the number of substitutes for that line of fabrics will increase; and in the long run the seller of virgin wool will feel the hard heel of the oppressor, the hard heel of the man who enjoys an injurious monopoly.

Mr. O'MAHONEY. Mr. President, before this heel chokes me off, will the Senator yield? [Laughter.]

Mr. AUSTIN. I hope the heel gets into the right place. [Laughter.]

Mr. O'MAHONEY. That is a sort of back-handed method of approach, is it not? The Senator is following that approach throughout his argument. As I now understand him, he is trying to convince the Senator from Wisconsin that the greater the market for shoddy, the poorer the market for virgin wool. It is very clear.

Mr. AUSTIN. Mr. President, how easily that word slips over the lips of the proponents of this bill. They have used that type of propaganda from the beginning to the time of this discussion in the Senate. They use the word "shoddy" because it reflects upon reprocessed goods; and that is part of the game. They want to put goods which are manufactured from reprocessed wool in an inferior position to goods which are manufactured of virgin wool; and they will do it just as surely as the sun rises in the morning.

Mr. O'MAHONEY. Well, let us use the Senator's euphemistic phrase.

Mr. AUSTIN. Mr. President, I am addressing the Chair, and I still have the floor. The effect of the aspersion cast upon anything less than virgin wool will drive that great, needy market of buyers of moderate-priced goods to something else than wool; and who will suffer? The group of our society that always suffers, namely, the producers of the raw material. No segment of American society has felt depression anywhere near so much as has the farmer, because practically all the wealth that is produced comes from the farmers' hands and out of the soil. At least a third of all the people in the United States who are engaged in gainful occupation are engaged in agriculture. Is it any wonder that the Senate is keen to uplift agriculture from the depression as much as it can? Is it any wonder that I, who have throughout my service in the United States Senate consistently aided agriculture in every way in which I thought the Constitution would permit, should be now supporting agriculture, at a time when I am persuaded firmly that a blow is being dealt to agriculture from which it can rise only after the economic evils which flow from this legislation shall have been rectified by new legislation, and after the small mills of this country, which constitute the backbone of the market for the wool of the sheep shall be reestablished, and regain their market from those materials which will be substituted under the operation of this proposed law?

I am for the support of agriculture in my opposition to that part of the bill which sets up a monopoly, an injurious monopoly. I do not regard all monopolies as injurious.

Now I yield to the Senator from Wyoming.

Mr. O'MAHONEY. Do I understand the Senator to contend that by promoting the use of reworked wool—I will adopt his euphemistic phrase, saying "reworked wool" instead of "shoddy"——

Mr. AUSTIN. Mr. President, it should not be dubbed "euphemistic." At least one body of Congress has adopted it, in its bill relating to this subject; and, by the way, it is a bill less subject to the criticism I am now making than is the pending bill.

Mr. O'MAHONEY. Does the Senator contend that to promote the use of reworked wool is a defense of agriculture?

Mr. AUSTIN. What is the question—is it a defense of agriculture?

Mr. O'MAHONEY. The Senator's argument for the last 5 or 10 minutes has been that he is a defender of agriculture, and particularly of the sheep grower.

Mr. AUSTIN. Not particularly; I did not say that.

Mr. O'MAHONEY. Then I misunderstood the Senator. Of course, I do not believe he is a defender of the sheep grower at all.

Mr. AUSTIN. That is a charge which is not justified.

Mr. O'MAHONEY. It is merely an expression of opinion.

Mr. AUSTIN. There are sheep growers in my State, and my State has been famous for raising some of the best breeds of sheep bred in the United States.

Mr. O'MAHONEY. Exactly——

Mr. AUSTIN. And we export them to Australia, whence they first came to America.

Mr. O'MAHONEY. Then let me ask the Senator, will it aid the sheep growers of his State, who have produced such excellent wool, to promote the use, in the manufacturing establishments of his State, of reworked wool which comes from every other State in the Union?

Mr. AUSTIN. Yes; certainly.

Mr. O'MAHONEY. I should like to have the Senator develop that argument.

Mr. AUSTIN. I will.

Mr. O'MAHONEY. The tearing up of rags and the putting of those rags into the manufacture of woolen garments, instead of the virgin wool from the backs of the sheep of the citizens of Vermont will, in the Senator's judgment, be beneficial to those sheep growers?

Mr. AUSTIN. Yes, indeed.

Mr. O'MAHONEY. That is a very interesting point of view, which I think should be developed.

Mr. AUSTIN. That is exactly what I claim. I maintain that the effect of the monopoly created by the pending bill would drive consumers of cheap garments, moderate priced garments, away from wool. Thereby it would put the market of those who have wool pieces and cuts and garments which have been laid on the shelves of merchants and have not been worn outside of America, and the mills would be put out of business because of the competition of other fabrics which are not loaded down with serious obstacles to the freedom of their operations. Our little mills would be gone, and the market for these pieces, these rags, would be elsewhere. I would see the vans going up Route No. 7 through Vermont into the province of Quebec. I can imagine ship after ship taking those pieces over to England, where the people recognize the value of a fabric made of reprocessed and reworked wool, and where they make some of the finest so-called woolen garments in the world.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. SCHWARTZ. Speaking of taking things to Quebec, and sending the rags to England, I wish to remark that within the last year the importation by Americans of British rags has increased 1,550 percent; in other words, the British are sending their rags over here; we are not sending ours over there.

Mr. AUSTIN. I thank the Senator for his remark, except that he is so far from right that it is almost amusing.

Mr. SCHWARTZ. I will produce the official figures.

Mr. AUSTIN. I will tell the Senator exactly what the situation is, and I will tell him what he ought to do to remedy a bad situation here with respect to wool: Protect the sheep grower; protect the man who raises wool from competition from abroad. Do away with the New Deal trade agreements, and there will not be the thing to which the Senator has referred, but referred to in such mild terms that it is like cutting a man's throat with a feather.

Mr. SCHWARTZ. Mr. President——

Mr. AUSTIN. As a matter of fact, the increase in importations of wool rags is a much higher percentage than that mentioned by the author of the pending bill, and I will give him the figures.

Mr. SCHWARTZ. As I understand the Senator's position, it is that when I stated that the importation of rags from Great Britain had increased within the last year, or the last 3 months, probably, fifteen hundred and fifty percent——

Mr. AUSTIN. I did not hear the Senator say fifteen hundred and fifty percent.

Mr. SCHWARTZ. That is exactly what I said.

Mr. AUSTIN. That is nearer correct. I understood the Senator to say 15 percent. Now we are getting together on a simple fact. Let us use it rationally.

Mr. SCHWARTZ. If the Senator would pay attention to what I state he would not rise and say I do not know anything about what I am discussing.

Mr. AUSTIN. Mr. President, I think the Senator is probably justified. I thought I was looking at him and listening to him, and I thought that my comprehension was fairly good; but I misunderstood him, and I beg his pardon most humbly.

Mr. BORAH. Mr. President, will the Senator from Vermont yield?

Mr. AUSTIN. I yield.

Mr. BORAH. In these importations from Great Britain under the designation "rags," what is included?

Mr. AUSTIN. I will refer the question back to the distinguished gentleman who furnished me the information, and who, singularly enough, is in favor of Senate bill 162. This comes from Mr. Fred Brenckman, a friend of mine, and I am happy to agree with him in most of the positions he takes with respect to agricultural legislation. He is the Washington representative of the National Grange. Let me read his entire letter. It is dated May 17, 1939.

Over 2 months have elapsed since the hearings were concluded before the subcommittee considering S. 162, introduced by Senator SCHWARTZ, of Wyoming, and commonly known as the wool products labeling bill.

As I stated when I appeared before the committee on behalf of the National Grange, we have for many years earnestly advocated legislation of this character for the benefit of the wool grower and for the protection of the consuming public.

That is a good objective; I am for it. I should be willing to add to the legislation already on the books in order to get it; but I am opposed to doing it in the way here proposed.

We are reliably informed that the manufacturers of so-called woolen products today are using more reworked wool or shoddy and other substitute fibers than virgin wool.

There cannot be any confusion about his being clear mentally as to the distinction, just as we are clear.

To further aggravate the situation, in the reciprocal-trade agreement with Great Britain we cut the duty on woolen rags in half. Under our unconditional most-favored-nation policy, this tariff concession is generalized to every other nation in the world except Germany.

According to the Department of Commerce, imports of woolen rags during January, February, and March, the first 3 months during which the reduced duties were operative, totaled 2,505,330 pounds, an increase of 2,338,069 pounds over the corresponding months of last year. This represents an increase of 1,397.8 percent in quantity and 938.7 percent in dollar value.

Mr. SCHWARTZ. Mr. President, will the Senator yield for one observation?

Mr. AUSTIN. Let me complete this, and then I will give the Senator an opportunity to interrupt.

Imports of wool wastes have increased 377 percent in quantity and 229 percent in dollar value for the period already indicated.

All of these cheaper and inferior wastes and rags are used by the American manufacturers as undisclosed, lower-cost substitutes for new American wool. This raises the question, Shall the American people be clothed in European rags without knowing it?

This increased importation of European substitutes for American-grown wool makes it imperative that Congress enact the wool-products labeling bill at this session. We sincerely hope that this measure may be favorably reported from committee in the near future and that it will be passed at this session of the Congress.

Sincerely yours,

THE NATIONAL GRANGE,
By FRED BRENCKMAN.

Mr. President, I know this man to be a clear thinker. I believe him to be a sound man. I believe he would not espouse Senate bill 162 for this cause if he understood what it does and what it does not do, but so far as this particular point of his goes it is an utter futility. The provision relating to the exclusion of importations will not touch this product at all. It will not touch rags. Senators, hear the language of the bill. See what it is dealing with.

SEC. 8. All-wool products imported into the United States except those made more than 20 years prior to such importation—

I will read the rest, if necessary, but those few words show that it will not block rags. Who can dispute the claim that rags brought to our shores were made more than 20 years ago? What an absurd idea that we can overcome——

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. AUSTIN. Let me finish the sentence.

Mr. SCHWARTZ. Yes; but the Senator travels from one thing to another and does not yield when he has completed his sentence.

Mr. AUSTIN. I insist that while I have the floor I should have the respect of the Members for the rules of the Senate. I will yield, as I said before, at the end of a sentence, but not in the middle of one.

I say it seems to me absurd to say that by passing a bill such as this we can overcome the effect of the trade treaty with Great Britain by which we cut down the tariff protection to wool growers 50 percent ad valorem. Anyway, this is not the whole story. I will now call the attention of the Senate to some other facts as to the kind of competition we are meeting.

I yield to the Senator now if he wishes.

Mr. SCHWARTZ. I merely wanted to make two observations. One is rather minor, and that is that whereas Mr. Brenckman says that the increase is 1,300 percent, I stated it to be 1,550——

Mr. AUSTIN. Is the Senator still hurt about that?

Mr. SCHWARTZ. No; I have not been hurt at all. I do not know of anything that the distinguished Senator can do——

Mr. AUSTIN. I cannot do more than I have.

Mr. SCHWARTZ. If the Senator will now permit me to complete my statement, I think we will be even. I merely wish to remark that the official letter from which I quoted carried the matter down a month or two later than Mr. Brenckman did. Furthermore, I will say that Mr. Brenckman testified before the committee in favor of the bill. What the Senator has read is not all he said. He is in favor of the bill. Furthermore, the purpose of the bill is not to reduce the tariff. It might be agreeable to some if we were to abolish the reciprocal-trade agreements. The purpose of the bill is, for the information of the American consumer, to provide for the labeling of goods that leave the factory.

Mr. AUSTIN. Mr. President, I think the Senator has entirely missed the point of my argument. Mr. Brenckman pointed out, as a cause for favoring this bill, that there were importations from foreign countries that would be prevented if we passed this bill. That is the point. I am undertaking to say that Mr. Brenckman does not understand the effect of the bill as to that. If he did he would not in writing make such a claim. That is all there is to it. I make the further claim on my own responsibility that we cannot remedy the wrong that has already been done through trade agreements, we cannot remedy the wrong done to the sheep growers of this country by undertaking to create this monopoly for Mr. Forstmann and others in a similar situation to that occupied by him.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WILEY. I should like at this time to make an observation. I have received a letter from one of the woolen mills in my own State. We are situated somewhat like the Senator is. We have a number of small mills. This letter comes from the Appleton Woolen Mills, and perhaps it may answer some of the questions that may have been asked. The letter is addressed to me, and is as follows:

We have noticed from various sources that this labeling regulations subject is again up in Congress. When the bill comes up for action we would appreciate your giving weight to the following items:

1. No fair manufacturer objects to a practical truth-in-fabric bill if such can be worked out.
2. The impracticability lies in the fact that research laboratories are unable to distinguish virgin from reworked wool.
3. This statement is acknowledged by all reliable laboratories, including the Bureau of Standards.
4. Because identification is impossible, such a law invites rather than stops unfair labeling of fabrics by those manufacturers who take advantage of this situation.
5. Therefore, the honest manufacturer is punished through being compelled to compete against an unfair fabric; also,
6. There are two sources of wool:
(a) As clipped from the sheep;
(b) As pulled from the pelt of slaughtered animals.
7. Proposed bill unfairly excludes pulled wool from being labelled virgin wool.
8. Fair-practice rules must be workable or they are a decided detriment rather than a help.

If the Senator will pardon me further, I have a letter from another small manufacturer, and I ask particularly the attention of the Senators from Wyoming, because in that letter a statement is made which particularly pertains to their State. I quote it verbatim:

The State of Wyoming enacted a law a few years ago requiring that all garments be marked as to their virgin-wool content. Wyoming is one of our great wool States. This law was passed with great enthusiasm. All manufacturers and wholesalers shipping into that State were informed by circular letters and by letters from their dealers that this State law must be complied with. I asked one of our Wyoming dealers about the present status of this law. He answered that it was entirely dead, though he didn't know whether it had been repealed or not. There is no pretense, even in that great wool State, of trying to enforce this law. The difficulties of enforcement and the infinite ramifications caused it to fall of its own weight. It is of very great importance in this country that we cease multiplying laws only to have them disregarded.

I thank the Senator.

Mr. AUSTIN. Mr. President, I am most grateful to the Senator from Wisconsin [Mr. WILEY] for calling my attention to something of which I was not aware.

Mr. President, I shall make a unanimous-consent request. I ask that all the interruptions which have occurred during my discussion follow my address, so that my remarks will all appear together. I do not refer to the discussions that preceded it.

Mr. O'MAHONEY. Mr. President, reserving the right to object, I understand the Senator's request to mean the interruptions which were irrelevant to his discussion.

Mr. AUSTIN. I am afraid that would take everything out. I did not quite mean that, Mr. President. [Laughter.]

Mr. O'MAHONEY. Well, the Senator's whole speech, of course, would go out on that interpretation.

Mr. AUSTIN. I mean, Mr. President, those interjections of matters which did not refer to the subject under discussion.

Mr. O'MAHONEY. Exactly.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont? The Chair hears none, and it is so ordered.

Mr. AUSTIN. Mr. President, I thank the Senator from Wisconsin and——

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. AUSTIN. Not now. I shall be glad to yield when I shall have finished this sentence.

Mr. SCHWARTZ. I wish to ask a question.

Mr. AUSTIN. In a moment I shall be glad to permit questions on anything and everything.

Mr. President, I appreciate the information which the Senator from Wisconsin [Mr. WILEY] gave the Senate about the experience of the State of Wyoming, so ably represented by the author of this measure [Mr. SCHWARTZ] and his colleague [Mr. O'MAHONEY], who are supporting Senate bill 162.

Mr. SCHWARTZ. Mr. President, our inability to enforce the legislation was due to the fact that it interfered with interstate commerce, and we could not compel compliance with the law on the part of a manufacturer of shoddy in Vermont in connection with something which was not labeled according to its contents and which was shipped into the State of Wyoming.

Mr. AUSTIN. Mr. President, it can be seen how useful the word "shoddy" is.

Mr. SCHWARTZ. I will take that back. I will use the words "reworked wool."

Mr. AUSTIN. There is nothing more potent to excite antipathy than an opprobrious name. If we name a thing, a remark, or a person "shoddy," the effect is derogation of the thing, the remark, or the person. It is really an attempt to gain force by something which is not reason and which ought not to persuade the mind, although it may affect the feelings.

Mr. SCHWARTZ. Of course the words "reworked wool" are more euphonious. The designation of those who make the reworked wool—I will not say "shoddy"—is equally so. They call themselves the National Association of Wool Fiber Manufacturers. When that name appears on the records of the prosaic Bureau of the Census, which is not interested in the bill, the words "shoddy makers" are placed underneath.

Mr. AUSTIN. That is the kind of thing which may appeal to legislators, although I doubt it. I think it is much better taste to use the language of the bill before us and the language of the bill pending in the other branch of the Congress. The term "reclaimed wool" is used in the pending bill, and the words "reprocessed wool" and the words "reused wool" are employed in the bill pending in the other branch of the Congress. In any event, I myself should prefer to use those terms, regardless of the lack of sportsmanship which is involved in the use of an opprobrious epithet.

Mr. President, why does the Senator from Wyoming, having had the experience about which he now tells us with an attempt to regulate intrastate commerce and interstate commerce by means of a State statute, come to the Federal Congress and ask it to undertake to control intrastate commerce by a Federal statute? It seems to me that regardless of his profound learning and his knowledge of the Constitution—which should forbid it—his special experience in his own home State, for which I have great regard, ought to have prevented him from bringing to the Congress Senate bill 162, which provides, on page 4, lines 2 to 5:

> Or who shall receive from or through commerce, and having so received shall resell or deliver for pay, or offer to resell or so deliver—

Why did he use those words when he was defining who is a criminal, and what are misbranded goods? He defines misbranded goods as goods which are in intrastate commerce; and he defines the malefactor as one who is reselling. That is, the transaction is entirely inside the boundaries of a State. By that penalty clause he would have the Congress undertake to put a man in jail if he should offend against section 3 of the bill. Could it be done? I say "No." I say that any court in the land would grant habeas corpus to a prisoner undertaken to be held for violating that provision of the bill. That provision should not be in the bill. It contaminates the whole bill. It is not in the House bill. Neither are the words "virgin wool" in the House bill. There are many things in the House bill which constitute a great improvement over Senate bill 162.

Mr. President, I was diverted. Interruptions are likely to divert us. I wanted to complete the picture of the situation of wool in this country in competition with processed wool from other countries, a condition brought about by New Deal policies and New Deal laws, a condition brought about by transgressing the barrier which the people of the country set up between the White House and the Capitol when they said that treaties between this country and foreign countries must have the sanction, consent, and agreement of the Senate of the United States, and turning over to the President of the United States, as was done, the power to enter into treaties. Sometimes they are called trade agreements. Sometimes they are called treaties, as was the case with a bill which was before us the other day. In the bill relating to an exchange of critical materials for our agricultural materials, the word "agreements" was changed to "treaties."

What is the effect on wool? The imports of woolen and worsted piece goods since the rates of duty were reduced on January 1 have shown a very substantial increase over the quantity entered in 1938. The total imports for the months of January and February compare as follows:

January and February 1938, 1,476,00 square yards. January and February 1939, 2,695,000 square yards. What does that mean? It means an increase of 83 percent.

Mr. President, why not go right to the heart of the trouble? Is it because a New Deal policy is going wrong, and we do not want to admit its error? I think that is not good ground for the Senate to take, regardless of the existence of an aisle between Democrats and Republicans. I take no position on the bill which reflects a purely partisan standpoint; and I think there are many Democrats in the country and in the Senate who, when they contemplate an evil result of a policy put into effect under the present administration, are big enough, broad enough, and high enough to change it. That ought to be the attitude of the Senate. Instead of undertaking another control over agriculture by the great, powerful Government at Washington, another grant of a monopoly which tends to concentrate government and economy in Washington, let us adhere to the traditional economy of the United States, a free economy under a capitalistic system, depending principally upon free trade in the United States and a controlled trade abroad. Now that we have discovered the pecuniary injury to us from reversing the policy, why should we not take notice of it and act upon it?

We have reversed the ancient economy of the United States. By this method of control of business between and among the States of the United States, and by trade treaties cutting down the tariff walls and removing the protection to our industries from those which are operated by cheap labor abroad, we have reversed the economy of 150 years and have set up an economy which is ruled by free trade abroad and restricted trade at home, bringing all things under an all-powerful Government.

First, we go after coal, and we fix the price of coal. Then we must go after oil, because oil is in competition with coal. These actions have repercussions which we cannot foresee. If we fix the price of one article, we must fix the price of another. If we impose restrictions, investigations, and espionage upon one commodity, we must load down another commodity with the same sort of burdens, clogs, hindrances, regulations, and control in order to try to bring back the equilibrium which was created by a free business, a free government, and free commercial competition. We should have regulation by the Government; but we should have regulation so limited as to insure the highest degree of competition without making it an unlicensed, unjust, and unfair competition.

Mr. WILEY. Mr. President——

Mr. AUSTIN. I yield to the Senator from Wisconsin.

Mr. WILEY. Mr. President, I take it the remarks of the distinguished Senator from Vermont in relation to the New Deal include policies, not simply centralizing power in Washington but centralizing that power in the Executive. Perhaps the Senator knows that one of the New Deal spokesmen last night, speaking over a national radio hook-up, suggested the abolition of the United States Senate?

Mr. AUSTIN. Mr. President, I do not think I could become calloused to such suggestions, for I always feel astonished when anybody suggests such a thing as making a

unicameral legislature for our Nation. I find it hard, after our own experience, to countenance the idea at all with respect even to one of our States. We have lived through such an experience in my own little State. Vermont started off with a unicameral legislature. We had the parliamentary notion, but we thought we could conduct the business much better than old England, with two houses of Parliament, had done, and could improve on her system. So we set out with one house and we tried it for a number of years. We tried all the so-called new-fangled ideas, such as the recall of judicial decisions and the recall of judges. We went through that mill a hundred years ago, and we know from experience the fallacy of such theories and proposals.

Mr. President, I am going to try to hasten along, for I am not filibustering. In connection with my claim that this is a bill to create monopoly, I call attention to who it is that stirs up propaganda and interest in this measure. Look at this brochure by Julius Forstmann [exhibiting]. Read it, Mr. President, and you will find there the source of the identical language of many of those who have written to the committee; you will find there the source of the identical paragraphs in the testimony of some of the witnesses who testified in favor of Senate bill 162. But, Mr. President, should you need any more proof of the extent to which this man goes in securing, if possible, a monopoly in the United States which would deal a lethal blow to the small factories of this country, look at this envelope that I hold in my hand [exhibiting] with the address cut out of it for fear of what might result to the addressee. The man who received that envelope dare not have his name presented to the Congress and to the world. He has endorsed on it:

I do not know how I happened to be on their mailing list, but thought the enclosed would interest you.

What is it? It is an envelope bearing in one corner what pretends to be a wool source, a sheep grower's source. It says "Consumers' League." You see, Mr. President, we get a little something out of that; because that is a popular thing to do; it refers to the consumer as well as to the wool grower.

Consumers' League for Honest Wool Labeling, 824 Transportation Building, Washington, D. C.

It bears a stamp canceled by the post office at Washington February 18, 9 p. m., 1939; and down in the corner another stamp, reading:

An important message. Read it carefully and act at once.

When it is opened there is found inside a brochure of only a few pages. It can be readily and quickly read, and it concludes with this admonition:

As a consumer you are vitally interested in the enactment of this legislation.

It will be seen that it is addressed to consumers.

Write, therefore, immediately to your Senators and to your Representatives in Congress urging them to support and vote for the Schwartz Senate bill, No. 162, and the Martin House bill, No. 944.

Consumers' League for Honest Wool Labeling.
Washington Office, 824 Transportation Building, Washington, D. C.

How artless! "Washington office," implying that there is another office somewhere else. For, Mr. President, is not Washington a strange place to have a Consumers' League for Honest Wool Labeling?

I happened to have an opportunity to ask a few questions about that, and I am sure the Senate will be interested in what this league is, because it will determine whether this is not an ancient trick spoken of in Holy Writ. It will be remembered when wool was once used to play a trick. A distinguished and great patriarch said, as he felt, blind as he was, and had to feel in order to identify his son, "The voice is Jacob's voice, but the hands are the hands of Esau." Is this a more modern method of fooling Senators of the United States and Representatives in the other body? Is this another use that has a literary backing of sheep's clothing to cover up something that is not a sheep? Well, listen to this: J. B. Wilson, who now sits in the Senate gallery, on the witness stand being examined by me, testified as follows:

Senator AUSTIN. I understand you have already testified before the subcommittee.

Mr. WILSON. That is correct.

Senator AUSTIN. I did not have an opportunity to listen to your testimony. Do you have an office here in Washington?

Mr. WILSON. Do I have an office here in Washington?

Senator AUSTIN. Yes.

Mr. WILSON. No.

Senator AUSTIN. Do you rent office space here in Washington?

Mr. WILSON. We rent, and when I say "we" I mean some of my friends in Wyoming and I subrent some office space here, at 824—I think it is—Transportation Building, Senator.

It will be recalled that "824" is a familiar number. That is the number on the envelope; that is the number given on the brochure.

I am not even certain of the number of the room. I go over there quite frequently, and I think it is 824.

Senator AUSTIN. Whom do you rent from?

Mr. WILSON. From Miss Ruth D. Stiles, who has been doing my secretarial and stenographic work here for the past 10 years.

Senator AUSTIN. During those 10 years what has been your business here?

Mr. WILSON. My business here has been to represent the wool growers on various matters, such as tariff, truth-in-fabric, land legislation, and dozens of other things.

Senator AUSTIN. Do you mean representing them before committees of Congress?

Mr. WILSON. Yes, sir; before committees of the Congress.

Senator AUSTIN. Have you been doing this for pay?

Mr. WILSON. Well, I have been paid by my association. That is a part of the work that I am paid to do by the two associations I represent; yes.

Senator AUSTIN. Do you have any other employment?

Mr. WILSON. I have no other employment.

Senator AUSTIN. Have you received pay from any other source?

Mr. WILSON. No, sir.

Senator AUSTIN. I mean except the two wool growers' associations.

Mr. WILSON. By the Wyoming Wool Growers' Association, of which I am secretary, and the Wyoming Wool Cooperative Marketing Association, of which I am treasurer.

Senator AUSTIN. And from no one else?

Mr. WILSON. No, sir.

Senator AUSTIN. Either directly or indirectly?

Mr. WILSON. No, sir.

Senator AUSTIN. You have no contract for pay from anybody else?

Mr. WILSON. No, sir.

Senator AUSTIN. Either paid to you now or to be paid to you in the future?

Mr. WILSON. No, sir.

Senator AUSTIN. Is there any such thing as Consumers' League for Honest Wool Labeling?

Mr. WILSON. The Consumers' League for Honest Wool Labeling, Senator, is the outgrowth of organizations we have had in Wyoming for some 19 years that we have been attempting to secure truth-in-fabric legislation. The organization you speak of is an organization of which I suppose if there be a head I am the directing head, but there are no salaries connected with it, and it is just an organization to disseminate information regarding this particular bill that is now under consideration before your committee.

Senator AUSTIN. What kind of organization is it?

Mr. WILSON. Well it is just a loose organization of friends of mine from Wyoming with no dues.

Senator AUSTIN. Is it incorporated?

Mr. WILSON. No.

Senator AUSTIN. Is it a copartnership?

Mr. WILSON. No. It is just—well, you can call it a propaganda organization if you like. I expect that is what it is as much as anything else, and I want to be perfectly frank with you in saying so.

Senator AUSTIN. Who else is a member of it besides you?

Mr. WILSON. Oh, a number of people in Wyoming. We associated ourselves together. Really it is a trade name, to be frank with you.

Senator AUSTIN. To be perfectly accurate is it not yourself doing business as the consumers' league?

Mr. WILSON. No, sir. It is myself and some friends in Wyoming.

Senator AUSTIN. Who are they?

Mr. WILSON. Mr. Hadsell, of Wyoming.

Senator AUSTIN. What is his name and address?

Mr. WILSON. K. H. Hadsell, Rawlins, Wyo.

Senator AUSTIN. Anybody else?

Mr. WILSON. Yes. There is Mr. LeRoy Moore, of Ross, Wyo.; Mr. John A. Reed, of Kemmerer, Wyo.; Mr. H. D. Port, and numerous others.

Senator AUSTIN. Yes; and who else?

Mr. WILSON. I will be glad to submit a list of names for the committee if you desire it. I do not recall them at the moment.

Senator AUSTIN. Yes; I would like to know their names and addresses.

Now I want to call your attention to this envelope, postmarked at Washington, D. C., February—some date—1939, the contents of which purport to be a 4-page pamphlet entitled "Honest Wool Labeling. Why enactment of Schwartz Senate bill No. 162 and Martin House bill No. 944 are necessary to protect the consuming public from fraud and deception in the purchase of woolen products," and ask you who is the author of that pamphlet and who mailed it.

Mr. WILSON. As to the pamphlet, I am partially the author of it.

Senator AUSTIN. What is that?

Mr. WILSON. I say, I am partially the author of it. I helped to author it, if I may use that expression, or I collaborated in it, if that is the proper expression.

Senator AUSTIN. Well, now——

Mr. WILSON (interposing). May I make a rather extended answer to that question?

Senator AUSTIN. Yes, sir.

Mr. WILSON. Mr. Julius Forstmann, of the Forstmann Woolen Co., prepared a rather large booklet on the wool-labeling question. It was too large for average consumption. By that I mean the average person would not take long enough to read it. I suggested to Mr. Forstmann that I should like to have his help in condensing it, I mean the booklet, for general circulation, and I collaborated in the preparation of this pamphlet with Mr. Forstmann.

Senator AUSTIN. And who provided the funds with which to print and publish it?

Mr. WILSON. I presume Mr. Forstmann's company did. I am not certain as to that. But the Forstmann organization I would say.

Senator AUSTIN. Who paid for it?

Mr. WILSON. I presume if it is paid for they paid for it. I could not testify as to that. I asked him to furnish the pamphlet, and they did.

Senator AUSTIN. Then you did the mailing, did you?

Mr. WILSON. I did only a part of the mailing.

Senator AUSTIN. How much of the mailing did you do?

Mr. WILSON. I think I mailed out probably 300 altogether.

Senator AUSTIN. In a general way describe the addresses to whom you sent this pamphlet.

Mr. WILSON. Oh, to various people I was writing to in regard to this bill. They were pretty well scattered over the United States. Frankly, even if I referred to my files I could not tell you to whom they were mailed because they were sent out in some instances without a covering letter.

Senator AUSTIN. Did you accompany that pamphlet with a letter in some instances?

Mr. WILSON. Yes, sir.

Senator AUSTIN. Did you stamp on this envelope this information: "An important message. Read it carefully and act at once"?

Mr. WILSON. It was stamped on the envelope, but I personally did not do it.

Senator AUSTIN. Where was it stamped?

Mr. WILSON. I think perhaps in New York, but I do not know.

Senator AUSTIN. That is to say, Mr. Forstmann provided the envelope with its return address on it, and this stamp, did he?

Mr. WILSON. He provided the booklet, the envelope, and the stamp. I have not seen the stamp. May I look at it?

Senator AUSTIN. Yes. This is the first time you have seen one of these?

Mr. WILSON. I did not happen to see this stamp. The ones I have been mailing out have been mailed out under another cover.

Senator AUSTIN. You have seen the stamp now, have you not?

Mr. WILSON. Yes, sir.

Senator AUSTIN. Can you tell whether that particular envelope was mailed from your office or desk room?

Mr. WILSON. I cannot.

Senator AUSTIN. You will observe that it was mailed in Washington, D. C. That is to say, the stamp on it says that. I do not know whether it was or not.

Mr. WILSON. I presume it was, but I would not know.

Senator AUSTIN. Is it probable, knowing what you do know about the transaction, that it was mailed from your office?

Mr. WILSON. I imagine it was mailed from the office in the Transportation Building; yes, sir.

Finally he was asked about the contents:

"As a consumer you are vitally interested in the enactment of this legislation. Write, therefore, immediately to your Senators and to your Representatives in Congress urging them to support and vote for the Schwartz Senate bill 162 and the Martin House bill 944."

That is the part you referred to in your answer, is it?

Mr. WILSON. Yes, sir.

* * * * * * *

Senator AUSTIN. Now, what action did you expect from that pamphlet?

Mr. WILSON. We expected from that—well, the booklet itself is, I think, the best evidence of what we expected.

Senator AUSTIN. Well, that is a fair answer.

So that is what this pamphlet refers to—that they expected everybody to write in.

The pamphlet was marked as an exhibit and is here for inspection. It would be rather interesting reading. I am not going to take the time of the Senate to read it, but any Senator who wishes to do so may take it and read it. It establishes the point that this communication pretended that a consumers' committee or organization interested in honest wool labeling had sent out and sponsored those statements, whereas the fact is that they were sent out by Mr. Forstmann, acting through this gentleman who was a witness before the committee advocating this bill, and who, as he said, has been occupying the same desk room here for 10 years doing service similar to this.

What does the innocent person understand who receives that letter? I leave it to you, Mr. President. But what shall we take from the communicant when he comes to us with his communication and says he is for Senate bill 162? He believes he has been approached by consumers who are interested in honest wool labeling, and he has been induced to write to us. Of what value, I ask, is that kind of material which comes to us as representing actual public opinion, founded upon facts and founded upon a knowledge of the law?

Before leaving the subject of consumers, to which reference has been made by those who have preceded me in their remarks supporting the bill, I desire to call attention to the fact that consumers who understand the import of Senate bill 162 are not all for the bill. Many consumers may be for the principle, as I am for it, of truth in labeling. Whenever a merchant makes a representation respecting his goods by a label, by an advertisement, or by his word of mouth, it must be truthful. If it is not, and injury flows from it, the contract may be rescinded under the law as it is today; and if damage has flowed from it, damages may be recovered for the false representation. I will go further than that. I will add to the common law which has always protected the public a statute which will implement the common law with definitions, provided the proponents of the measure do not, by means and under the guise of definitions, set up a monopoly that amounts to more than trade-mark because it has behind it a sanction of criminal prosecution.

Now listen to some of these consumers. I shall not weary the Senate with many of them:

BROOKLINE, MASS, *June 25, 1939.*

Hon. WARREN R. AUSTIN,
United States Senate, Washington, D. C.

DEAR SENATOR AUSTIN: I wish to protest against the passage of S. 162.

Consumers feel it will be a great injustice to them if this legislation is passed. A label giving information is to be desired. A label that is misinforming, as this label will be, is definitely not to be desired.

Consumer education is a slow process, and the prejudice that will be instinctively felt for something marked reclaimed will be most unfair, since really beautiful material can be made from reworked wool. Conversely, the sanctity and quality given to the word virgin by common usage, implies a property that may not be present in a material made of virgin wool.

Yours very truly,

MARGARET T. CAHILL.

I have selected that letter because it contains a reasonable statement. It contains an appeal to sense and reason. There are a few others here which I will ask to have inserted in the RECORD without reading. I ask unanimous consent that they be inserted at this point in the RECORD.

The PRESIDING OFFICER (Mr. GURNEY in the chair). Without objection, it is so ordered.

The letters are as follows:

DORCHESTER, MASS., *June 21, 1939.*

Senator WARREN R. AUSTIN,
United States Senate, Washington, D. C.

DEAR SENATOR AUSTIN: Please take into consideration my protest, as a consumer, against S. 162.

My husband earns average wages, and I clothe a family of five. I cannot afford to buy the most expensive clothes, but must get both attractive and good-wearing garments at a modest price.

If this bill is passed I feel it will raise the price of the garments that I can afford to have, since virgin wool will be at a premium and reworked wool prices follow in trend.

Strong, durable garments can be made from reworked wool at a price the average wage earner can afford to pay. Why penalize this good material so that those who can afford to may have a label "all virgin wool" on their clothes?

Yours very truly,

MARY LEONARD.

WEST ROXBURY, MASS., *June 20, 1939.*

Senator WARREN R. AUSTIN,
United States Senate, Washington, D. C.

DEAR SENATOR AUSTIN: The school in which I teach is on the borderline between well-to-do and poor districts, and we have children from all sorts of homes. I am more interested in the poorer class, and for their interests watch industrial legislation.

I wish to protest against S. 162 as discriminating between classes. Because poor people cannot purchase luxury fabrics is no reason for their clothes to bear a label which to them means inferior merchandise.

Studying the process of woolen manufacturing I am convinced that virgin wool does not always mean good wool, whereas reworked wool does not always mean inferior wool. Besides, there is no chemical test to prove conclusively that a fiber is virgin or reworked, since both are animal fibers and chemically and physically identical. So, until there is a scientific proof, I feel that this legislation is untimely, as well as discriminating.

Very truly yours,

SARAH ANNE QUINN.

BOSTON, MASS., *June 17, 1939.*

Senator WARREN R. AUSTIN,
United States Senate, Washington, D. C.

DEAR SENATOR AUSTIN: I wish to protest against the passing of S. 162.

After studying the bill, I am convinced that it is unfair to industry and misleading to consumers.

Yours very truly,

LOUISE MORRISEY.

EAST DEDHAM, MASS., *June 23, 1939.*

Hon. WARREN R. AUSTIN,
United States Senate, Washington, D. C.

DEAR SENATOR AUSTIN: I herein protest against S. 162 as discriminating legislation. It furthers the interests of the wool growers and puts the burden of increased prices upon the consumers.

Retailers and manufacturers feel that it will be unfair, inasmuch as it will be impossible to enforce. When scientific tests fail to identify whether a fiber is virgin wool or reclaimed wool, how can proof be brought that a label is correct? I understand mill records will be resorted to, but does not that bring the whole issue back to the integrity of the manufacturer? If so, the increased prices of fabrics will be the only good the consumer will get from the passage of the bill.

Is this fair to the larger group of consumers—to be exploited for the good of a smaller group of wool growers?

Yours very truly,

ELLEN J. MCGOWAN.

LOWELL, MASS., *June 16, 1939.*

DEAR SENATOR AUSTIN: As a resident of a mill city, I wish to protest against the passage of S. 162.

It is both discriminating and misleading legislation.

Yours very truly,

(MRS. P. J.) KATHLEEN LEAHY.

WASHINGTON, D. C., *February 27, 1939.*

Senator WARREN R. AUSTIN,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR AUSTIN: I am enclosing herewith an editorial in Capitol Daily, which appeared on February 21, 1939, which I know will prove most interesting to you, and which, I am sure, you are personally concerned about.

For your information and as one of your constituents, I take the liberty of sending you this article, which I hope you will read and digest.

I personally have been present at this hearing on S. 162 and H. R. 944, and do hope that before a bill of this kind is railroaded through your committee that you will do everything in your power to see to it that the Senate is not used as an advertising agency for one man's fabric, namely, J. C. Forstmann (who seems to be the only one in favor of the bill).

Very truly yours,

MARIE SWANN.

Mr. AUSTIN. I have heard the claim made here that the Federation of Women's Clubs are behind this bill. Are they? Let me read a letter from one of them. I know some of them favor the bill; I have letters from some of them supporting the bill, or, rather, supporting the principle of honest labeling—and I am for the principle of honest labeling.

I have a letter here from Marion Lane Sweeney, Mrs. F. R. Sweeney, who is shown on the letterhead to be chairman of the division of social welfare of the Massachusetts State Federation of Women's Clubs. The letter is dated June 17, 1939, is addressed to me, and reads as follows:

As chairman of the division of social welfare of the State Federation of Women's Clubs, as a member of many executive boards dispensing welfare in my community and State, I wish to protest against the passage of S. 162.

I feel that it is both misleading and mininforming and will react in an advance in prices to the consumers.

Women are coming more to feel that this legislation will be detrimental to manufacturers and retailers, that it is advantageous only to the wool growers and the manufacturers of luxury fabrics, and that it is impractical of enforcement if it is passed.

I believe in labeling and would support a bill to differentiate between fibers, where such fibers can be identified by scientific tests. I feel the time is coming soon when natural fibers are going to have great competition from synthetic fibers, and that this legislation, if passed, will be greatly regretted by those who now seek to support it.

Senate bill 1496, introduced by Senator WALSH, seems to me far more timely and intelligent.

Very truly yours,

MARION LANE SWEENEY.

Mr. President, I have had a little insight into the claims respecting the same type of women's organizations. It is a very distinguished organization and one for which I have great respect. I do not argue from the specific to the general—I think that is one of the fallacies of logic—but I call attention to a certain specific thing which I think qualifies the support given by this particular woman's organization to which I am going to refer.

A lady called on me, because I was on the subcommittee, and advocated the support of Senate bill 162. I discussed the matter with her and pointed out the element in the bill which I claimed would create a monopoly, whereupon she made some investigations and then wrote me a letter dated May 5, 1939, which reads as follows:

Thank you so much for your time yesterday morning when I called to see you regarding Senator SCHWARTZ' bill for the labeling of wool products—S. 162.

Although I feel I didn't persuade you to change your opinion to any extent, still I certainly enjoyed meeting with you and having the few minutes' talk that we did. The question which you brought out concerning monopoly in regard to this bill rather intrigued me because I had never considered it from that angle, and so, on returning to the hotel, I checked with Miss Julia Jaffray, of the New York City federation, and she states that as the result of a questionnaire sent to 125 woolen manufacturers throughout the country 29 of them are definitely in favor of the labeling of woolen material as to its content of virgin wool, reclaimed wool, cotton, and rayon.

I am sure you will be interested to know that there are two manufacturing companies in Vermont among those who favor this legislation. Does this information by any chance soften a little your opposition to the bill as a whole? Copies of their letters to the New York City federation are enclosed.

Hoping that you will see that this bill provides knowledge as the right of every consumer, I am,

Very cordially yours,

DOROTHY KRAUS.

Let me call attention to the type of questionnaire the New York City Federation of Women's Clubs sent out and the time of its sending. It was in March 1938, and the questions did not refer to a bill which defined a mark indicating virgin wool. It referred to the general subject of truth in labels. Listen to this:

The members of the New York City Federation of Women's Clubs, as purchasing agents for their homes, are vitally interested in the fiber content of the fabric merchandise which they buy. Therefore, in buying wool fabrics, we have taken the stand that we want to know whether we are buying virgin wool, reclaimed wool, or a mixture.

The federation is most anxious to know how you, as a manufacturer, feel on this subject. Would you, therefore, be kind enough to inform us on the following points:

1. Do you use reclaimed wool in manufacturing your product?
2. If you do, what percentage do you use?
3. Do you consider reclaimed wool as serviceable in a fabric as the virgin wool which it replaces?
4. And, most important, do you favor a labeling act which would require manufacturers of wool products to inform consumers whether their products contain reclaimed wool?
5. If you do not, will you please tell us why not?

May we ask for your answer at the earliest possible date?

With appreciation of your cooperation,

Sincerely yours,

MRS. (ANDREW J.) KATHERINE E. NOE,
President.

JULIA K. JAFFRAY,
Chairman, Department of Economic Adjustment.

This lady who called on me went to Mrs. Jaffray, so Mrs. Jaffray tried to help her out with some letters received from two manufacturers in Vermont which she said supported Senate bill 162.

Never was opportunity afforded anyone to throw light upon an error as there is in this instance. Let us take the Bridgewater Woolen Co. It is a manufacturer of virgin-wool products, and let me read their answer. It does not contain one single thing which can be said to support Senate bill 162. What it says amounts to approval of the principle, upon which I think we all agree, that there should be labeling, and that it should be honest labeling:

We acknowledge receipt of your favor of March 13, signed by the above-named members of your federation—

He has quoted the names, Mrs. Andrew J. Noe, president; Julia K. Jaffray, chairman—

Your interest in the content of woolen fabrics is an intelligent manifestation of public concern, and we feel, as makers of woolens, that you are entitled to know all about the fabrics that are sold to the women in coats, dresses, and other articles of apparel alleged to be made of woolen cloth.

As manufacturers of woolens with a background of almost 200 years in the country, we have been guided by principles that rest upon truth in action, in production, in selling, and in dealing with our patrons. Further, we have believed that truth, as the dominant or underlying principle, would permanently survive the influences of misleading and misguided practices, however brilliantly portrayed, which are limited at most to the period when the mask is removed and the truth is disclosed.

We answer your questions frankly:

1. No.

2. This is answered by our reply to No. 1.

3. Reclaimed wool possesses no service ability of worth. It is much like gathering the broken pieces of a dish, cementing them together, and offering the reconstructed dish as a real plate. The rewelded plate is a constant liability.

4. Yes; we are thoroughly in favor of a label, of an act compelling a declaration in truth.

While this is an answer to all of your definite questions, may we add in closing: Wool has no substitute of worth or merit. There is no animal fiber—and certainly no vegetable fiber—that contains properties at all comparable with the properties in virgin pure wool. The fabric constructed exclusively of virgin pure wool possesses lively magnetic properties far beyond any corresponding in reworked wool, which is practically dead wool, its vitality being exhausted.

We hope this satisfactorily answers your inquiries. We assure you of our sincere desire to further assist your federation in its search for information or legislation, and we beg to remain,

Very truly yours,

BRIDGEWATER WOOLEN CO.,
Per R. M. SHARPE.

That is an advertisement for virgin wool. It also knocks out, as this measure is intended to knock out, anything else. Reworked wool put into a fabric is like a broken plate mended together. The Ethiopian is out of the wall. There is the best evidence we could possibly have of it. Put together a piece of legislation that will destroy the production of reworked wool in the form of gowns, coats, suits, and there will not be any competitor of the manufacturer of virgin wool. Yet this correspondent does not refer to Senate bill 162 at all. That is one letter.

The other letter was from James F. Dewey, of the A. G. Dewey Woolen Manufacturers, Creechy, Vt., a firm established in 1836, and still operating, thank God. They manufacture clothes which the poor man can buy and out of which he can get some wear. Mr. Dewey's reply was as follows:

This letter is addressed to Mrs. Jaffray:

Replying to your letter of the 13th, it is a pleasure to answer your various questions as follows:

As the first manufacturer to use reclaimed wool in our product in this country, we would answer question 1 by saying that we have used it since 1836.

Under question 2, we use all the way from 5 to 90 percent.

Under question 3, we believe that the reclaimed wool which we use is more serviceable in a fabric than short fiber of virgin wool which it replaces. In fact, we consider it a great deal more serviceable than any so-called all-wool fabric.

Answering question 4, we would say that we always have favored a labeling act requiring manufacturers to state just what percentage of virgin wool is in their product. We think the word "wool" on a fabric should relate only to virgin wool.

Evidently his principle has been carried into the language of the House bill.

We have been hurt many times by mills calling a product all wool when it was only reclaimed wool. We are willing to have our product stand on its own legs and state what it is made of and stand back of the product, but we can't compete with the public when certain chain stores call their fabric 100-percent wool when many times it is of poorer quality than ours. We do not claim ours as all wool.

Trusting this has answered your questions, I am

Yours sincerely,

A. G. DEWEY CO.,
JAMES F. DEWEY, *President.*

Mr. President, it was a strange coincidence that on the same day on which I received that letter from Mrs. Kraus making the claim that these two manufacturers in my State favored S. 162, and sending the two letters to which I have referred, neither of which expressly refers to S. 162, I should receive a letter from the writer of the last letter I read, namely from James F. Dewey, which is dated May 25, 1939, and the first half of which reads as follows:

Replying to yours of the 24th, I have read the new bill known as the Wool Products Labeling Act. I agree with you that it is all foolishness. If they ever try to enforce it, it will cost them more than they will ever get out of it, and the public won't be helped one bit. Your minority report has said everything that I think anyone could say. I appreciate your efforts, although they probably won't help any, as they seem to pass anything that they want to down there.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. LODGE. I have been called out of the Chamber several times during the afternoon, and so do not know whether an answer has been given to the question propounded by the Senator from Maine [Mr. WHITE] as to whether the establishment of these standards for American woolen goods and the failure to establish them for foreign woolen goods would result in foreign importations and the displacement of the American wage earner and producer.

Mr. AUSTIN. Mr. President, I will try to answer the question specifically. I think the same standards are established by the bill for imported goods as for domestic goods. That is not the trouble. The trouble is that if, after the goods have been manufactured into a fabric, there is no scientific way by which a test may be made to ascertain the proportion of virgin wool and the proportion of reworked unused wool—that is wool that has been fabricated but not worn by the ultimate consumer, and has been pulled apart and put into new fabric—if what those ratios are and what the percentages are in the fabric, cannot be ascertained, it is impossible to enforce the standard. In other words, if it is necessary to go to the manufacturer to find out the quantity of virgin wool in a fabric, the quantity of reworked wool in a fabric, the quantity of other fibers in a fabric, it may perhaps be necessary to travel around the world in such a search.

Mr. LODGE. It is possible to go to the American manufacturer, but not to the foreign manufacturer.

Mr. AUSTIN. That is true. Another thing is involved in the question. I have been talking about garments, piece goods, products of wool that are fabricated for consumption; but a great amount of the competition with the wool growers of America is not that type of importation. It is rags, and it is goods that may never have been worn, but nevertheless are second-hand and are intended to be reworked. As shown here, the importation of rags has increased greatly since the New Deal trade agreement went into effect in January. The increase has been 1,397 percent in quantity and 938 percent in dollar value. The bill contains a description of what imported material is subject to the regulations provided for in the bill, as follows:

All wool products imported into the United States, except those made more than 20 years prior to such importation.

How in the world is it possible to tell from a carload or shipload of rags whether they were made 20 years ago or not?

Mr. LODGE. Then would I be correct in saying that in effect the bill imposes standards on American producers that are not imposed on foreign producers?

Mr. AUSTIN. That is one way of stating the matter, although the text of the bill was designed to establish the same standard for both types of goods.

Mr. LODGE. The letter of the law is one way but the spirit of the law is another.

Mr. AUSTIN. That is quite true. But I also claim—and I want to say it now, for, although it is repetition, it is purposeful repetition—that for the same reason the bill, if enacted, could not be enforced domestically.

Mr. LODGE. May I ask the Senator a further question? Is not this proposition very similar to what we have seen attempted before, in the wage-hour legislation, for example, which I, for one, favor? We try to raise the standards at home; we try to raise them for the employee; we try to raise them for the consumer—with which I am in sympathy—but, of course, we cannot impose those standards on foreigners, and we refuse to provide any tariff protection to protect the American worker against substandard competition. The net result is we try to go in two opposite directions at the same time, and, to my mind, that is a tragic contradiction which can help no one in the long run.

Mr. AUSTIN. I thank the Senator for stating what he has stated, with all of which I agree. I think it affords a good reason why Senate bill 162 should not be passed.

Mr. President, I have material from manufacturers which I feel I should not take the time to discuss or read but which I should like, by unanimous consent, to have inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

I think the woolen manufacturers are not so much opposed to the intent of the bill to prevent fraud to the public, but we feel very firmly that the terms of the bill may increase fraud rather than decrease it, principally because it is impossible through any adequate tests to determine approximately the content between virgin wool and woolen shoddy. I enclose the pamphlet which has just been put out by the National Association of Woolen Manufacturers showing a critical examination by the United States Testing Co. of the relation of virgin-wool content in fabric merit. If you will go through this carefully you will find that, on the whole, 100 percent virgin-wool fabric will be better than 100 percent shoddy fabric. However, as the percentages of virgin wool go down quite the reverse is true. The term "virgin wool" is a very elastic one, and covers some very undesirable short fibers which do not make good fabric. On the other hand, some of the woolen stock which has been called shoddy, or reworked wool, is of the very finest variety and will make a beautiful piece of goods which will give wonderful satisfaction to the purchaser. There is a further matter of reputation of the mill for making good goods, the number of picks per inch (that is, the number of threads of filling across the fabric), the number and fineness of the warp threads, and the question of whether or not the pieces have been napped finely or roughly, which in the most part determines the strength of the finished piece of goods.

All of this is more or less technical and has a direct bearing on the merits of this legislation. The one point which I personally very much object to is the fact that it is known that there is no method of examination of a fabric to determine whether the percentage of virgin wool or reworked wool is correct. This being the case, the honest company will be at a great competitive disadvantage with the dishonest people, who will be inclined to put on percentages of virgin wool which may not be true and which cannot be verified by examination. The only alternative to prevent this is to have inspectors in every woolen mill to see that the labeling is properly done, and this is abhorrent to our Vermont ideals.

Possibly I have no right to speak for the woolen mills of Vermont, because we have no organization. However, I feel sure that I represent the unanimous opinion of the Vermont woolen mills in this statement.

I hope you find this information beneficial to you in making your decision as to your action in regard to this.

With best regards, I am,

Sincerely yours,

LEON S. GAY.

This matter of labeling is an important one, and unquestionably means a lot to every textile manufacturer in Vermont. I think no one objects to a label which can be backed up by a laboratory test, but to pass a law making certain requirements when there is no way of establishing definitely whether the requirements are or can be made seems to me to be placing a very substantial premium on chiseling and misrepresentation.

Is there any possibility of introducing a substitute bill, as suggested by Mr. Besse?

Respectfully yours,

RAY ADAMS.

BENNINGTON, VT., *February 24, 1939.*

HON. WARREN R. AUSTIN,
Senator from Vermont,
Senate Office Building, Washington, D. C.

DEAR SENATOR AUSTIN: We wrote you yesterday in reference to the textile labeling bill.

We could not express in a letter all the arguments against this bill. We enclose herewith copy of the American Wool and Cotton Reporter, dated February 23. This explains in detail what a manufacturer will be up against. The bunk that is being put forth by one or two manufacturers is most deceptive. We refer in particular to the Forstmann arguments. These people get enormous prices for their merchandise. The average workman could not possibly buy same. Other mills imitate the merchandise, and, of course, the consumer knows that he is not getting the high-priced merchandise that Forstmann makes. We do not know anything about it, but we think that a mill operated by such people as Jim Dewey, of Quechee, could not get by on such drastic legislation.

Very truly yours,

THE H. E. BRADFORD CO., INC.,
D. J. KEELER.

Mr. WHITE. Mr. President, I wanted to refer to an entirely different matter than that the Senator is now discussing. Shall I wait, or would the Senator rather have me do so at this time?

Mr. AUSTIN. I shall be glad to yield.

Mr. WHITE. I am troubled as to the meaning of section 3 specifically. I desire to ask a question about the language in line 3, on page 4, "who shall receive from or through commerce." If I go to a store in the city of Washington and buy a fabric from a merchant here, have I received merchandise "from or through commerce" within the meaning of this section?

Mr. AUSTIN. I cannot answer that question. I do not think it is capable of being answered.

Mr. WHITE. The reason why I ask the question is that I find this language under the heading "Misbranded wool products":

SEC. 4. (a) A wool product shall be misbranded—

(1) If it is falsely or deceptively stamped, tagged, labeled, or otherwise identified.

(2) If a stamp, tag, label, or other means of identification, or substitute therefor under section 5, is not on or affixed to the wool product and does not show—

(A) The percentage of the total fiber weight of the wool product, exclusive of ornamentation not exceeding 5 percent of said total fiber weight, of (1) virgin wool; (2) reclaimed wool; (3) each fiber other than wool if said percentage by weight of such fiber is 5 percent or more.

And so forth. Then further it shall be misbranded if it does not contain—

(C) The name of the manufacturer of the wool product and/or the name of one or more persons subject to section 3 with respect to such wool product.

(3) In the case of a wool product containing a fiber other than wool, if the percentages by weight of the wool contents thereof are not shown in words and figures equally conspicuous with any trade name, pictorial representation, term, or descriptive name, suggesting or implying the presence of wool, used in connection with such wool product.

(4) In the case of a wool product represented as virgin wool, if the percentages by weight of the virgin wool content thereof are not shown in words and figures.

And so forth. What I want to know specifically is, if I buy from a merchant a fabric or a suit of clothes, is there an obligation on me to ascertain and to know whether or not all that information is stamped, tagged, or labeled on the article which I am buying; and if it is not so marked, and I buy the fabric in the absence of all that information, do I come within the terms of the bill?

Mr. AUSTIN. I think if one assumes that the distinguished Senator bought it as an ultimate consumer, he would not come within the terms of the bill.

Mr. WHITE. Let us assume, then, that I am a tailor, and buy the fabric for the purpose of further fabrication. Must I look over every piece to see that all that information is on the fabric?

Mr. AUSTIN. Mr. President, my answer would be "No." I interpret the phrase which relates to intrastate business to refer to retailers, although it does not so state.

Mr. WHITE. I was about to say it does not so state. Apparently it applies to anyone "who shall receive from or through commerce, and having so received shall resell or deliver for pay, or offer to resell or so deliver to any other person, any such wool product."

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. SCHWARTZ. It will be noted that the provision refers to a person who receives the goods through commerce and then offers them for sale. I will say to the Senator that the language is the same as that used in the Pure Food and Drugs Act. The language of that act has been adopted in the bill. I may add, of course, that any violation of section 3 under the terms of the criminal clause must be a willful violation, which implies an intent to violate the act.

Mr. AUSTIN. Mr. President, referring to the same clause on page 4, lines 2 to 5, I inform the distinguished Senator from Maine that the House of Representatives excluded that language from the text of House bill 944, which was reported from the Interstate Commerce Committee of the House on June 14, and which is today on the Union Calendar of the House. Mr. MARTIN of Colorado, the author of the bill, has asked the Rules Committee for a rule so that it may be considered by the House.

There are certain other differences between the House bill and the Senate bill which point to some of the most objectionable things in the Senate bill. For example, the classification of virgin wool or the label "virgin wool" on page 2 of Senate bill 162 does not appear in the House bill at all. In the House bill the language of subsection (d) of section 2 of the Senate bill with respect to reclaimed wool is stricken out, and there is a substitute for it in two subsections, the first of which reads as follows:

(c) The term "reprocessed wool" means the resulting fiber when wool has been woven or felted into a wool product which, without ever having been utilized in any way by the ultimate consumer, subsequently has been made into a fibrous state.

The second subsection to which I refer reads as follows:

(d) The term "reused wool" means the resulting fiber when wool or reprocessed wool has been spun, woven, knitted, or felted into a wool product which, after having been used in anyway by the ultimate consumer, subsequently has been made into a fibrous state.

It will be observed at once that there is a distinction between the two. In the one case we have a wool which has never been on the back of a human being. It may have been left unsold on the merchant's shelves, or it may have been a clipping from a tailor's establishment. Then there is the classification of reused wool, which is really second-hand wool. It is wool which has been used by the ultimate consumer. These classifications are not subject to the objection which I have endeavored to make against the classification of virgin wool, for the reason that there are many factors which afford a market to the vendors of each of these classifications of wool, and a great group of consumers afford the market for the finished product. They are the persons with whom we are mostly concerned.

I have no fear that those who can afford luxury products will be unable to obtain them. A man can wear but one collar at a time, whether he be as rich as Croesus or as poor as a beggar; but he can obtain the style and quality of collar he wishes because he has the price to pay, no matter how small an opportunity there may be for him to obtain it. However, a man like myself, who must wear less expensive clothing, would find himself in a very bad way if there were a monopoly on very finely fabricated collars, and the price had been raised by reason of the United States placing on the collars a label which no competitor of the manufacturer could possibly live up to.

Mr. President, I wish to conclude shortly. I know I have inadequately discussed this matter, but I have undertaken to show reasons why I think the great agricultural organizations are being misled through the propaganda of those who would profit from the monopoly sought to be created by the bill. I think their hopes would prove to be delusions. I think they would have less of a market for their virgin wool, and therefore they would have to take a lower price for it than before; and they would run into competition with synthetic substitutes for wool, from which competition they do not now suffer.

Although this type of control over agriculture is indirect, its effect is complete. The production of substitutes for wool would be stimulated. The agricultural organizations would rue the day they ever permitted their Government to obtain such a strangle-hold upon their business as Senate bill 162 would create. They do not seem to realize that, though the bill deals primarily with the manufacturer and the merchant, ultimately it would reach the man who herds the sheep. He is the man who would feel the repercussion. It would all come back on him. The effect would be lower prices, less demand, a narrowed market, and greater competition from substitutes.

There is another consideration from the public-welfare point of view, which causes me to oppose the bill, and that is the destruction of an essential raw material which it involves. It anathematizes the raw material which we call wool waste to such an extent that wool waste, as a secondary material for the manufacture of garments in this country, would pass out. It would not be available to the manufacturers, and therefore would not be available to the consuming public. The bill, by putting a premium on virgin wool, as it does, would discourage the use of reprocessed wool and reused wool, and through economic pressure, would absolutely force the exportation of our rags to foreign countries.

The calamity of that situation can be evidenced by the following question: How in the world could the United States clothe its Army in time of war without this essential secondary raw material? Without a supply of rags and reused and reprocessed wool we could not, without the most extraordinary expense, clothe the United States Army.

Mr. President, one good reason is sufficient; and I have probably branched out more than I need to have done. The one good reason in this case happens to be that the bill would create an injurious monopoly and, therefore, would be evil in its consequences. For that reason, if for no other, it should not be passed.

EARMARKING OF TAXES FOR OLD-AGE PENSIONS

During the delivery of Mr. AUSTIN'S speech,

Mr. LODGE. Mr. President, on the calendar is Senate Joint Resolution 145, introduced by the senior Senator from Florida [Mr. ANDREWS] and myself, which I hope will come up for consideration in the near future.

Several Senators have asked me about the constitutional need for an amendment giving Congress the power to levy taxes for old-age assistance.

Of course, the question of constitutional need is of the utmost importance and is one reason for this proposed legislation. There are two other needs for it. One is to enable the testing of public opinion on the question, and the other is having the power of Congress to levy taxes for old-age assistance written into our fundamental law.

In order to elucidate the question of constitutional need and to show that there is a grave doubt in the minds of well-qualified persons as to the power of Congress to levy taxes for a specific purpose, I ask that a memorandum which I have prepared be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum is as follows:

There still exists considerable doubt as to the validity of earmarking taxes for a specific purpose. Many informed people believe that such a tax (e. g., for old-age assistance) is not a "true" tax but rather an "exaction" or "appropriation of money from one group for the benefit of another," which is in violation of the due-process clause. They maintain that such taxes are not levies "for the support of the Government," but are being used to pay pensions to specific individuals.

This constitutional amendment (S. J. Res. 145) has been introduced in order to resolve this grave doubt.

Evidence that this important constitutional problem remains unsettled:

(1) There is no judicial decision which meets the particular problem embodied in Senate Joint Resolution 145 foursquare.

(2) Professor Corwin, in his book The Twilight of the Supreme Court, page 176, wrote:

"So long as Congress has the prudence to lay and collect taxes without specifying the purposes to which the proceeds from any particular tax are to be devoted, it may continue to appropriate the national funds without judicial let or hindrance."

(3) The Social Security Act of 1935: Experts who assisted in the drafting of this measure clearly indicate that the separation of the benefit provisons in title II from the taxing provisions was dictated by constitutional considerations.

(a) Prof. J. Douglas Brown in his article, The Development of the Old-Age Insurance Provisions of the Social Security Act in Law and Contemporary Problems, volume 3, page 193, wrote:

"The development of a formula for Federal action within constitutional limitations was early recognized as the key to a sound solution to the problem. The proposal to separate the contribution and benefit features of one legislation into two separate measures based on the taxing and appropriation powers of the Federal Government, was advanced early in the deliberations of the staff and the technical board. The absence of any need for elaborate regulatory material in either measure gave basis for the hope that the courts would not question the exercise of these broad Federal powers if clear-cut separation were possible. The staff was bolstered in this hope by the approval of the plan by a number of outstanding students of constitutional law.

"The drafting of two distinctly separate titles covering the tax and benefit features of the proposed system proved a difficult task. Since the contributions, now taxes, were necessarily covered into the general funds of the Treasury, some formula had to be developed for the reapportionment of an equivalent amount from general funds to an old-age reserve account. * * *

"As a result of this necessary adjustment to the exigencies of constitutional law, the character of the scheme was fundamentally different from that first considered by the staff."

(b) Prof. Paul H. Douglas in his book, Social Security in the United States, wrote regarding compulsory old-age insurance (p. 157):

"The taxes or contributions required to provide the necessary funds are levied under title VIII of the bill, while the scale of monthly annuities and benefits is specified under title II. Here, as in the unemployment insurance features of the bill, the revenue portions are separated from the sections which appropriate money because of the belief that this will enable the act better to run the constitutional gamut."

Page 320: "Perhaps the weakest section of the Security Act from a constitutional standpoint is that which provides for mandatory old-age insurance. While title VIII, which levies taxes upon employers and employees, is formally distinct from title II, which prescribes the scale of benefits to those over the age of 65 and to the heirs of the deceased, there is in fact a close and immediate connection between them. The individual benefits to be paid are computed upon the basis of the contributions or taxes levied and upon nothing else. It will undoubtedly be charged that these titles of the act in effect, therefore, prescribe the specific purpose for which the tax is levied, and that they are consequently unconstitutional since they launch the Federal Government into the performance of functions not specifically delegated to it by the Constitution. There is certainly very real danger that such may indeed be the fate of this feature of the act."

(4) The 1939 amendments to the Social Security Act: That there is still doubt as to the constitutionality of earmarking tax proceeds for a special purpose is indicated by this latest old-age measure. The device of using funds in the General Treasury rather than unquestionably earmarked tax receipts is continued here.

(5) *U. S.* v. *Butler* (56 Sup. Ct. 312, 1936): As said by Mr. Justice Roberts in delivering the opinion of the Court in the A. A. A. decision with respect to processing taxes levied upon processors, the proceeds of which were to be paid to certain producers of agricultural products:

"A tax, in the general understanding of the term, and as used in the Constitution, signifies an exaction for the Government. The word has never been thought to connote the expropriation of money for one group for the benefit of another."

(6) Mr. Justice Cardozo, speaking for the Court, in declaring the Social Security Act to be constitutional, neatly avoided the important question of earmarking. This is sufficient reason to cast doubt on the whole question. He said:

"Third. Title II being valid, there is no occasion to inquire whether title VIII would have to fall if title II were set at naught.

"The argument for the respondent is that the provisions of the two titles dovetail in such a way as to justify the conclusion that Congress would have been unwilling to pass one without the other. The argument for petitioners is that the tax moneys are not earmarked, and that Congress is at liberty to spend them as it will. The usual separability clause is embodied in the act, section 1103.

"We find it unnecessary to make a choice between the arguments, and so leave the question open."

(7) Robert Jackson, then Assistant Attorney General, arguing the Government's case in *Seward Machine Co.* v. *Davis* (301 U. S. 548), which involved the unemployment compensation features of the Social Security Act (titles IX and III), gave careful consideration to this problem. In his oral argument, he said:

"The relation of this tax to the appropriation is entirely unestablished, either by the act itself or by the facts in the case. In the first place, the appropriation under section 301, if it be construed as an appropriation, began before the tax was payable. The appropriation is not measured by the proceeds of the tax. The tax is not earmarked for this purpose. There is no equivalence between the amounts set aside by this section and the proceeds of the tax."

Mr. ANDREWS. Mr. President, in reference to the joint resolution to which reference has been made by the junior Senator from Massachusetts [Mr. LODGE], I will say that 2 days ago I gave notice that I would today ask unanimous consent to discuss that joint resolution. The joint resolution was favorably reported by the Committee on the Judiciary, and is now on the Senate Calendar. This morning we find that the so-called truth-in-fabrics bill is the unfinished business, and that it has the right-of-way for today. So I give notice that tomorrow I shall undertake to have Senate Joint Resolution 145 considered by the Senate.

TRUTH IN FABRIC

The Senate resumed the consideration of the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

The PRESIDING OFFICER. The question is on the first amendment reported by the committee, which will be stated.

The LEGISLATIVE CLERK. On page 2, line 3, it is proposed to strike out "shall" and insert "may."

Mr. THOMAS of Oklahoma. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	King	Reed
Andrews	Ellender	La Follette	Russell
Ashurst	Frazier	Lee	Schwartz
Austin	George	Lodge	Schwellenbach
Bailey	Gerry	Logan	Sheppard
Bankhead	Gibson	Lucas	Shipstead
Barbour	Gillette	Lundeen	Slattery
Barkley	Glass	McCarran	Stewart
Bone	Green	McKellar	Taft
Borah	Guffey	McNary	Thomas, Okla.
Bridges	Gurney	Maloney	Thomas, Utah
Bulow	Hale	Mead	Tobey
Burke	Harrison	Miller	Townsend
Byrd	Hatch	Minton	Truman
Byrnes	Hayden	Murray	Tydings
Capper	Herring	Neely	Vandenberg
Chavez	Hill	Norris	Van Nuys
Clark, Idaho	Holman	O'Mahoney	Wagner
Clark, Mo.	Holt	Overton	Walsh
Connally	Hughes	Pepper	Wheeler
Danaher	Johnson, Calif.	Pittman	White
Davis	Johnson, Colo.	Radcliffe	Wiley

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present.

LOANS FOR SELF-LIQUIDATING PROJECTS

Mr. BRIDGES. Mr. President, I understand that the Banking and Currency Committee are soon to report a bill embodying Mr. Roosevelt's recommendations for a new spending-lending policy. This spending-lending policy, which has been in full operation by the New Deal for over 6 years, has taken us a long way along the road to national bankruptcy. Of course, a great, rich country like the United States may go in debt to meet an emergency; but the theory adopted by the New Deal administration of creating deficits, borrowing money, and spending money to create prosperity is based on an unsound philosophy of government.

In an address at Pittsburgh on October 19, 1932, Mr. Roosevelt, as a candidate for the Presidency, said:

> We find that the expenditure for the business of Government in 1927 was $2,187,000,000 and in 1931 $3,168,000,000.
>
> That, my friends, represents an increase of actual administrative spending in those 4 years of approximately $1,000,000,000, or, roughly, 50 percent; and that, I may add, is the most reckless and extravagant pace I have been able to discover in the statistical record of any peacetime government anywhere any time.

That was Candidate Roosevelt speaking.

By comparison the record shows that the expenditures under President Roosevelt in 1935 were $7,375,825,000, and in

1939 they were $9,268,338,000—quite a jump from the recklessness and extravagance of 1931 so bitterly criticized.

At the present time the Government is spending at the rate of $23,000 per minute and going in the hole at the rate of about $11,000 per minute. The fallacy of this program is perhaps best and most simply illustrated by the statement made by the distinguished Senator from Mississippi [Mr. HARRISON], when he recently said, in effect, that a government can no more spend its way to prosperity than a drunken man can drink himself sober.

We are now spending at the rate of approximately $10,000,000,000 per year. The national debt now exceeds $40,000,000,000. In addition we have a contingent liability of several billion dollars more.

In a recent debate the Senator from Michigan [Mr. VANDENBERG] said:

> Our net deficit from 1931 to 1938 actually totaled more than all the deficits of all the other major nations of all of the world combined for the same period.

That is a most significant statement. It is a striking coincidence that on March 10, 1933, the President stated that—

> Most liberal governments are wrecked on the rocks of loose fiscal policy. We must avoid this danger.

The annual interest charge on our national debt alone is over $1,000,000,000 per year. If we were to initiate a policy of paying the current interest and decreasing the debt and principal $500,000,000 per year, it would take one-fourth of our entire national income for nearly a century, or approximately 90 years.

The administration today is conducting this Government on a financial policy that is designed to rob the unborn. That is a terrific indictment. Now the President comes forth with a new type of spending-lending plan. There is really nothing new about it. We have already tried out these lending-spending plans. We have set up governmental corporations and spending agencies before. These now have liabilities of $13,145,000,000. As the President proposed this plan, it called for spending $3,860,000,000, a sort of self-liquidating loan program, so-called. It has now been reduced to between a two- and three-billion-dollar project. It is not a true self-liquidating plan but just another pump-priming spending project. Certainly on our past record we have not so far liquidated any of our spending-lending agencies. This new scheme is being started for the purpose of laying a foundation to win the 1940 election. It is just another Roosevelt plan to endeavor to buy prosperity after successive failures of the same extravagant methods. It is a subterfuge to avoid raising the present $45,000,000,000 debt limitation. These loans would not appear as liabilities on the Treasury's books. They would be camouflaged, but they would be obligations of the American people just the same. The program is perhaps best called simply a spending-by-deception program.

This is a far cry from the speeches and the pledges of Candidate Roosevelt. What the country needs is private spending, not Government spending. It needs policies that will encourage spending billions of dollars of private funds in productive enterprise. The proposed new program will accomplish little of permanent value and will bring us one step nearer a socialized state.

The New York Times recently referred editorially to the President's newest lending-spending plan as sheer magic:

> Here is a proposal to buy nearly $4,000,000,000 worth of new homes, roads, bridges, power lines, railroad cars, and other things, yet it is said the plan will involve no out-of-pocket cost to the Government, that it will have no effect on the Federal Budget, that it will add nothing to the national debt, a miracle indeed.

In other words, in the arithmetic of the New Deal, two and two no longer make four.

The New Deal administration has adopted a peculiar philosophy, an interesting state of mind, for its representatives now argue convincingly that every time we go backward financially we progress forward socially and economically. Even a child knows at a glance the fallacy of this philosophy.

Mr. President, I ask permission to insert in the RECORD, as part of my remarks, a quotation from an editorial published in the Kansas City Times of June 23, 1939; a brief quotation from a Boston Herald editorial of June 23, 1939; a quotation from an editorial in the Christian Science Monitor of June 23, 1939; and a quotation from an editorial in the Providence Journal of June 23, 1939.

There being no objection, the extracts from the editorials referred to were ordered to be printed in the RECORD, as follows:

> Kansas City Times: "There are, of course, some sound projects in those listed. But only an irrepressible optimist can see anything but heavy losses in most of them. In the long run, the taxpayers will be called on to foot the bills, and the national debt will have shot up with the pump still unprimed" (June 23, 1939).
>
> The Boston Herald: "After 6 years of emergency spending unequaled for magnitude and variety by this or any other nation, President Roosevelt again urges salvation by extravagance—and this time as 'a permanent policy of the Government.' * * * The Nation could have survived the packing of the Supreme Court, even though it would be a cheapened and a weakened Nation. But another huge program of spending, accelerating the feverish pace which the President has set already, would bring on the gravest crisis since the Civil War. We would emerge from our agony, of course, just as we came out of 4 years of devastating war, but not with the principles by which we have guided ourselves for a century and a half" (June 23, 1939).
>
> Christian Science Monitor: "The alternative to such a program as the President suggests would be to recognize some of the other side of the picture that has been presented to the Temporary National Economic Committee along with the arguments for a divided Budget and continued spending, namely, the evidence that relaxing of some of the restrictive conditions on investment would facilitate and bring about a natural flow of the capital investment which the administration is trying to induce or compel by Government banking. May it not be that there is more need now for this kind of investing than for huge public works programs which tend to make Uncle Sam permanently the investment banker for the country?" (June 23, 1939).
>
> Providence Journal: "The public should understand, first of all, that the plan is no more than a dodge to take Mr. Roosevelt's spending outside of the Budget and to avoid the $45,000,000,000 limitation which Congress has placed on the Treasury's outstanding debt. * * * But if there is danger to the Government's credit, there also is grave danger to American business and industry, for there is no doubt that the scheme is the first step in a well-conceived plan to rule the country's economy. The complete socialization of industry is one of its great possibilities" (June 23, 1939).

Mr. BRIDGES. Mr. President, I know that to many of the Senators who occupy seats in this body this is a new avenue in their minds for the promotion of prosperity. To my mind it seems a very backward step. I can appreciate that there are some in the present administration, there are some Members of this body who by advocating certain schemes are fast making of this country a socialized state. They are in the same boat with some of the extreme left-wing radicals in this country.

I for one do not want to be numbered among them, and I believe that one of the things which should be done at the present time is to call the attention of the public to this new scheme, this deceptive spending scheme.

Mr. MINTON. Mr. President, while we are considering a "truth" bill, I think we might just as well have a little truth in politics.

Numerous attempts have been made by Republican leaders to circulate throughout the country, after it has been presented in the CONGRESSIONAL RECORD, propaganda detrimental to the New Deal economic program. The figures in most instances have been taken from private publications.

After 12 long years of Federal power, the Republican Party went out of power in 1933 leaving American agriculture on the verge of bankruptcy and ruin.

During this 12-year period—from 1921 to 1933—the Republican Party failed to enact a single measure designed to protect the farming population from the ruination which impended. The warnings of farm leaders that drastic action was needed were scoffed at and ignored.

When the Roosevelt administration came into power in 1933 immediate steps were taken to rescue agriculture. Figures tell the story.

By 1932 gross farm income had fallen 57 percent from its earliest peak, to only $5,562,000,000, the lowest on record. Farm prices as a whole had fallen by a tremendous percentage.

Between 1932 and 1938, with the Roosevelt administration in office, gross farm income rose 66 percent, a sheer increase of $3,658,000,000. Farm prices jumped 86 percent.

Hoping to cover up their own failure to help agriculture, the Republicans are now circulating erroneous price figures and doctored statistics to confuse the voting public. They are trying to show that farmers were better off under Mr. Hoover than they are under the Roosevelt administration. But once again figures tell the story.

The following tables give comparative prices of farm products during the last 3 years of the Hoover administration and the first 5 years of Roosevelt, and are taken from official tabulations:

Commodity	Unit	1933–37 average	1930–32 average
Wheat	Bushel	$0.883	$0.481
Corn	Bushel	.712	.411
Oats	Bushel	.386	.230
Barley	Bushel	.565	.318
Rye	Bushel	.647	.355
Cotton	Pound	.109	.0921
Butterfat	Pound	.270	.257
Chickens	Pound	.133	.154
Eggs	Dozen	.194	.194
Beef cattle	Hundredweight	5.31	5.61
Veal calves	Hundredweight	6.36	7.31
Lambs	Hundredweight	8.48	5.36
Hogs	Hundredweight	7.05	4.69
Potatoes	Bushel	.763	.591
Wool	Pounds	.241	.139

Mr. BRIDGES. Mr. President——

The PRESIDING OFFICER (Mr. LODGE in the chair). Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. MINTON. I yield.

Mr. BRIDGES. The Senator says Republicans have been circulating these figures. Who does he mean are circulating these figures? Republicans is a pretty indefinite term.

Mr. MINTON. I have in mind one Republican Representative from my State, who inserted in the RECORD some figures which had been tabulated by a Republican editor up in the dark corner of Indiana, a man who ran for the United States Senate last year and was defeated. That is one of them I have in mind. I could refer the Senator to others.

Mr. SCHWELLENBACH. Mr. President, I think the Senator from Indiana is mistaken in saying that nothing was done under the Republican administration about the farm problem. It happened that this morning I held a hearing in the Committee on Agriculture and Forestry on a bill introduced in an effort to set aside a fraud perpetrated upon the farmers of the States of Minnesota, North and South Dakota, and Montana during the Republican administration. It was described by one of the witnesses who appeared before the committee as constituting, in his opinion, the most reprehensible treatment any citizen of the United States had ever received, so far as his study of American history disclosed. It was to be expected, since the Republican Party fostered and protected stock frauds in Wall Street and in all parts of the country, that they would participate in a little stock fraud of their own.

Mr. BRIDGES. Mr. President, will the Senator from Indiana yield?

Mr. MINTON. I yield to the Senator.

Mr. BRIDGES. I wanted to ask the Senator from Washington whether by stock frauds he meant President Roosevelt's attempt to foist Argentine beef on the American Navy at the expense of American stockmen.

Mr. SCHWELLENBACH. I was not referring to that kind of stock; I was referring to the kind of stock which was so prevalent during the Hoover and Coolidge administrations, the kind of stock that was sold to the widows and orphans in this country at anywhere from 10 to 100 times its value, the kind of stock that had behind it only a lot of wind and air and water. That is the kind of stock that was so popular under the Republican administration.

Mr. BRIDGES. It had the same qualities behind it that are behind the New Deal, in other words.

Mr. SCHWELLENBACH. If the way in which the people of this country have been treated during the last 5½ years is to be compared with the kind of treatment they received under the Republican administration, I will be glad at any time to debate with the Senator from New Hampshire about the respective treatment given the American people.

Recurring to the agricultural question, it will be remembered that in 1928, in addition to raising a lot of religious and other issues, Mr. Hoover told the American farmers that he was going to solve the farm problem for them, that he was going to call the Congress into special session. Congress was called into special session, and the most disastrous thing that has ever happened to agriculture resulted from the calling of that special session, which the farmers understood was to deal only with agricultural products, when the Smoot-Hawley tariff bill was passed. While the tariff duties on agricultural products were raised a little, the duties on everything else was increased 10 or 12 times as much as the benefits received by the farmers, with the result that the farmers were compelled to pay much more for the things they bought than they received in protection under the nebulous provisions of the agricultural sections of the Smoot-Hawley tariff bill.

In addition to that, the Republicans established the Federal Farm Board, and Mr. Hoover recommended that to the farmers of the country. He had sent out to the wheat area a former Governor of the State of Nebraska—and I am merely citing the testimony that was given before our committee this morning—who visited the States of North and South Dakota and Montana and Minnesota, and told the people of that region that if they really wanted to get the great and beneficent benefits of the Hoover farm program, the thing they should do would be to buy stock in the Northwest Grain Association. The Northwest Grain Association was established in the year 1930, and the stock was sold by taking notes of small-business men and farmers in the Northwest section. The notes were very similar to notes received by other stock promoters in the country. They were installment notes, payable a certain amount down, and a certain amount every month and every year.

In 1931 the same Hoover Farm Board, acting through the agency of the organization which they had set up, the Northwest Grain Association, took away from that association, which they controlled, all the power the association had to be of assistance through cooperative methods, and having practically forced the farmers to buy stock in the association, they then wrecked the association, and made it futile and impotent, and made it impossible for the association further to function. Then they proceeded to attempt to collect on the notes which they held as a result of inducing these poor farmers to buy them on the understanding that that was the only way in which they could get assistance from the Federal Government.

I submit, therefore, that the Senator from Indiana is entirely mistaken when he says that the Republican Party did not pay any attention to agriculture. They used the same sort of methods with the farmers they used with all other kinds of investors; they attempted to milk them out of their savings.

Mr. BRIDGES. Mr. President, will the Senator from Indiana yield?

Mr. MINTON. I yield.

Mr. BRIDGES. I should like to ask the Senator from Washington if he is very proud of the New Deal's administration over the last 6 years, insofar as agriculture is concerned, the very consistent record they have had, one policy persevering down through the years without any exception? Regimentation, controlled production, loss of foreign markets, and the like.

Mr. SCHWELLENBACH. Let me answer the question in the affirmative. When I think of the methods which the Republican Party used, starting out in 1921, when the farmers

received the greatest blow they have ever received, when, under the Harding administration, we were told we were to go back to normalcy, and farm prices were reduced, as they were, under the policy of deflation which went into effect at that time, which has been so ably depicted and explained to us on several occasions by the distinguished Senator from Oklahoma [Mr. THOMAS]—when I think back to the promises made by Mr. Hoover in 1928, the complete breach of faith to the farmers by the Republican Party after making those promises and securing the support of the farmers upon the basis of the promises—and when I then think of everything that has been done by the present administration from 1933 on, by way of comparison it is a shining light of beauty; it is something of which we may be profoundly and everlastingly proud.

The Senator speaks of changes in policy. If the Senator knew anything about this subject—as he does not; he does not knew any more about agriculture than he does about anything else—if he knew anything about it, he would appreciate the fact that the action of the Supreme Court of the United States in declaring the Triple A Act unconstitutional in 1936 had some affect upon it. If he knew anything about the subject, if he will study what happened during that period of time, which I know he will not do, because he does not give any time or study to any subject—but if he were to give a little time or study to it, he would know what occurred on the floor of the Senate during the special session of 1937, when an effort was made during that period to bring about a solution of the farm problems, and the Senators on the other side of the Chamber stood here day after day during the period of that special session doing everything they could to impede progress upon that piece of legislation in order to make it possible that the farm bill would not be effective in 1938 and in order to make it possible that in the fall of 1938 the Republicans could go out and campaign among the agricultural districts and misrepresent the facts, as they did, telling the farmers that nothing had been done for them, telling the farmers that the Democratic Party did not have any interest in them, and succeeding in electing a few Members to the House of Representatives and to the Senate upon the basis of such misrepresentation.

Before the Senator starts to talk about agriculture I suggest that he go back and read about the dark days of the 1920's. The depression did not start for the farmer in October 1929. The depression started for the farmer, I believe, in August or September 1921.

Mr. BRIDGES. It is fortunate enough for the farmers of the country that they do not have to depend on the guidance or philosophy of the Senator from Washington, who probably never earned a day's living working on the farm.

Mr. SCHWELLENBACH. The Senator just happens to be as much mistaken about that as he is about anything else. I have worked on a farm, having performed all the menial tasks necessary to be done on the farm. The Senator is simply as accurate in discussing my life as he is in anything else he discusses.

Mr. BRIDGES. I should like to hear more about the actual experience which the Senator has had on a farm, which was some years ago apparently.

Mr. SCHWELLENBACH. I do not know that I care to——

Mr. BRIDGES. Most of his philosophy is now based on an anti or hatred phobia developed against the Hoover administration.

Mr. SCHWELLENBACH. I do not have any hatred toward them. If the Republicans had not made such a colossal flop from 1921 to 1932, we probably would not have gotten in office in 1933. There is no hatred in my heart toward that administration.

Mr. BRIDGES. The Senator evidently mistakes when he says that the farmers agree with him, because last fall all over in the agricultural districts the men who had preached the same doctrine as the Senator from Washington now preaches were kicked out of office, and Republicans came into power, elected by the farmers of the country. What has the Senator to say to that?

Mr. SCHWELLENBACH. I have no quarrel about that. The Republicans through the medium of the press, which they so amply controlled, were able to misrepresent the facts about agriculture to the farmers of the country last fall, and unfortunately there was a shortage of memory on the part of farmers in many sections of the country. They did not remember the treatment they received during the 12 years of the Harding, the Coolidge, and the Hoover administrations, and did adopt the false philosophy that maybe the Republicans would do something for them. But, while we are on the subject of farm philosophy, what is the Senator's philosophy about helping the farmers? Perhaps his philosophy in that respect is that of balancing the Budget, doing away with the T. V. A., attacking the 2-percent clubs—or just what does the Senator propose to do for the farmer?

Mr. BRIDGES. I am going to outline that some day.

Mr. SCHWELLENBACH. We will all be very much interested, because if the Senator should present a constructive program for the farmer it would be the first one that has left his lips since he came to the Senate.

Mr. BRIDGES. I will tell the Senator something. I have had to spend quite a good deal of my time, as have others of my associates on this side of the aisle, together with some of the Senators on the other side of the aisle, in endeavoring to do something, even in a very humble way, to stop the unsound practices and the unsound philosophies of the administration, that they were endeavoring to enact into law.

Mr. SCHWELLENBACH. Well, it may be that some of the things done have been unsound. I am not quite willing to admit that.

Mr. BRIDGES. I did not think the Senator would admit anything done by the New Deal was unsound.

Mr. SCHWELLENBACH. Certainly there is no lack of sound coming out of the Senator from New Hampshire. [Laughter in the galleries.] We have heard a lot of sound coming from him in the last few years.

Mr. BRIDGES. And we have heard some sound coming from the Senator from Washington, but I am surprised that the Senator should be so unfaithful to the Great White Chief in the White House as to admit that any philosophy or practice of the New Deal was wrong.

Mr. SCHWELLENBACH. I said I was not willing to go so far as to admit that.

I think it is a terrible thing that the Senator from New Hampshire has a farm program, a program that will solve all the farm problems in this country, and that he does not let the country know what it is. I am sure the people from one end of the country to the other are waiting for the words of wisdom to fall from the Senator's lips, but, Mr. President, he is keeping it a secret. I do not think the farmers of this country are going to be happy, and I doubt whether they will be able to sleep very much, knowing now that their great leader, the Senator from New Hampshire, has a farm program and that he will not tell them what it is. Is the Senator waiting until after the Republican convention next year, when the Senator receives the Republican nomination for the Presidency, before he reveals the program he has? I think that is really comparable with what Senators on the Republican side did in the fall of 1937—delaying action on the matter. Why can we not have this program now and put it into effect?

Mr. BRIDGES. I expect to wait until I come to the Senator's home State of Washington this fall and have a chance to get a little of the background and backlog from his own farm experience to weave in with my own in order that I may present a sound program. If my program has any defects, I am sure adding the Senator's experiences on the farm will correct them.

Mr. SCHWELLENBACH. Does that mean that the Senator does not have one now and that he will have to wait until he comes out to the State of Washington before he will have one?

Mr. BRIDGES. No. I have one, but I want to know the Senator's experience first.

Mr. SCHWELLENBACH. Does the Senator mean that he would try it out on my constituents first to see if it is acceptable there?

Mr. BRIDGES. I have had a good deal of correspondence with the people from the State of Washington and never yet have I talked with a citizen from the State of Washington or received a communication from one who considers the Senator from Washington to be a farm expert. Apparently he is a self-appointed expert like most of the New Dealers.

Mr. SCHWELLENBACH. The trouble with the Senator from New Hampshire is that the people who come in and visit the Senator in his office are in a great minority in the State of Washington. They represent only 5 percent. Let him talk to some of the ordinary common people of the State of Washington. Do not talk to some of the rich people, such as customarily visit Washington. Go out there and talk to some of the common people and the Senator will find out how I stand.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BRIDGES. I yield.

Mr. BARKLEY. Probably the Senator from New Hampshire proceeds on the theory that it is better to surprise the people than to disappoint them, and knowing that they would be disappointed if they heard that he had no farm program he would rather surprise them when they found out what it was.

Mr. SCHWELLENBACH. I think the farmers will all be surprised if they find that the Senator from New Hampshire has a farm program; but, also, if the program were to be put into effect, it would probably disappoint the farmers of the country.

Mr. BRIDGES. Probably no one would be more surprised than the senior Senator from Kentucky, who stood on the floor and congratulated me on the speech I was to make in his State, and extending good wishes to the two people he said would attend the Young Republican State Convention in Ashland, Ky., and hoping that they would enjoy my speech.

Mr. BARKLEY. I understand both of them did.

Mr. BRIDGES. They both did, and about 600 more who were in attendance at the meeting. Let me tell the Senator they were enthusiastic. They were full of life. And the chief ambition, as nearly as I can make out of those young people, is to solidify the Republican Party down there, build it up so that when the Senator from Kentucky runs for office again he may be retired to private life.

Mr. BARKLEY. Are they going to solidify it around the Senator from New Hampshire?

Mr. BRIDGES. No; they are going to solidify it around some outstanding Republican in the Senator's home State of Kentucky.

Mr. BARKLEY. If the Senator will discover him, I will almost be willing to wish him well.

Mr. MINTON. I think the Senator from New Hampshire should not spread this news too widely, because if the Young Democrats of Kentucky were to become wildly enthusiastic about the Senator from New Hampshire he might have to look out.

Mr. BRIDGES. That would indicate that they were wilder than we expected.

TRUTH IN FABRIC

The Senate resumed the consideration of the bill (S. 162) to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes.

Mr. HILL. Mr. President, there has been some discussion today of the importation of wool rags into this country, particularly in view of the reduction in the tariff duty on wool rags on January 1 of this year. The figures compiled by the Department of Commerce show for the first 4 months, January, February, March, and April 1937 the imports amounted to 3,226,551 pounds; in the same period of 1938, 170,261 pounds; in the same period of 1939, 2,817,000 pounds.

In this connection I ask unanimous consent to insert in this place in the RECORD a table showing these imports from 1929 through 1938, as compiled by the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

TABLE I.—*United States imports of wool rags*[1]

	Imports for consumption	
	Quantity (pounds)	Value
1929	10,668,467	$5,538,251
1930	10,433,396	2,852,456
1931	824,323	229,014
1932	741,657	158,013
1933	1,691,390	464,864
1934	968,341	413,528
1935	1,588,808	573,604
1936	6,015,508	1,984,563
1937	4,809,478	1,858,638
1938[2]	794,436	262,201

[1] Commerce and Navigation, Department of Commerce.
[2] Preliminary.

Mr. BARKLEY. Mr. President, it is obvious we cannot finish consideration of the bill today. I will submit a unanimous-consent request looking toward limitation of debate.

I ask unanimous consent that beginning tomorrow and during the further consideration of this measure, no Senator shall speak more than once or longer than 30 minutes on the bill, nor more than once or longer than 10 minutes on any amendment thereto.

The PRESIDING OFFICER. The Senator from Kentucky asks unanimous consent that beginning tomorrow no Senator shall speak more than once or longer than 30 minutes on the bill, nor more than once or longer than 10 minutes on any amendment. Is there objection?

Mr. AUSTIN. Mr. President, I do not intend unnecessarily to delay the closing of the debate, but I think we should not make such an agreement tonight, and I shall object, with the view that tomorrow morning after the roll call, when there are present other Senators who, I know, are interested in the bill, I may confer with them, and then shall be pleased to have the distinguished leader of the majority raise the same question.

Mr. BARKLEY. Very well.

The PRESIDING OFFICER. Objection is heard.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LODGE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the following nominations:

Raymond A. Kennedy to be postmaster at Libertyville, Ill., in place of R. A. Kennedy; and

John J. Welch to be postmaster at Deerfield, Ill., in place of J. J. Welch.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Frederick V. Follmer, of

Pennsylvania, to be United States attorney for the middle district of Pennsylvania.

Mr. WHITE, from the Committee on Foreign Relations, reported favorably without reservation Executive J, Seventy-sixth Congress, first session, a regional radio convention for Central America, Panama, and the Canal Zone signed at the Regional Radio Conference for Central America, Panama, and the Canal Zone at Guatemala City on December 8, 1938, and submitted a report (Ex. Rept. No. 17).

Mr. HARRISON, from the Committee on Foreign Relations, reported favorably without reservation Executive K, Seventy-sixth Congress, first session, a convention between the United States of America and Sweden for the avoidance of double taxation and the establishment of rules of reciprocal administrative assistance in the case of income and other taxation, signed at Washington on March 23, 1939, and submitted a report (Ex. Rept. No. 18).

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

NATIONAL RESOURCES PLANNING BOARD

The legislative clerk read the nomination of Charles W. Eliot to be Director of the National Resources Planning Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Frederic A. Delano to be a member of the National Resources Planning Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Charles E. Merriam to be a member of the National Resources Planning Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 47 minutes p. m.) the Senate took a recess until tomorrow, Friday, July 21, 1939, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 20 (legislative day of July 18), 1939

ASSISTANT ATTORNEY GENERAL

Francis M. Shea, of New York, to be Assistant Attorney General in charge of the Claims Division of the Department of Justice, vice Sam E. Whitaker, resigned.

INTERSTATE COMMERCE COMMISSIONER

William J. Patterson, of North Dakota, to be an Interstate Commerce Commissioner for a term expiring December 31, 1945.

RECONSTRUCTION FINANCE CORPORATION

Sam Husbands, of South Carolina, to be a member of the board of directors of the Reconstruction Finance Corporation for the unexpired term of 2 years from January 22, 1938.

NATIONAL RESOURCES PLANNING BOARD

George F. Yantis, of Washington, to be a member of the National Resources Planning Board.

COLLECTOR OF CUSTOMS

Joseph A. Ziemba, of Chicago, Ill., to be collector of customs for customs collection district No. 39, with headquarters at Chicago, Ill. (Reappointment.)

PROMOTIONS IN THE COAST GUARD OF THE UNITED STATES

The following-named ensigns to be lieutenants (junior grade) in the Coast Guard of the United States, to rank as such from June 8, 1938:

John W. MacIntosh, Jr.
Christian R. Couser.
Richard R. Smith

APPOINTMENTS TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Lt. Col. Carlyle Hilton Wash, Air Corps, to be colonel, from July 14, 1939.

Maj. Ross Franklin Cole, Air Corps, to be lieutenant colonel, vice Lt. Col. Carlyle H. Wash, Air Corps, nominated for appointment as temporary colonel, Air Corps.

Capt. Hugo Peoples Rush, Air Corps, to be major, from July 19, 1939.

APPOINTMENTS IN THE REGULAR ARMY

The following-named first lieutenants of the Dental Corps Reserve for appointment as first lieutenants in the Dental Corps, Regular Army, with rank from date of appointment:

Jesse Moyer Swink	Carroll Godfrey Hawkinson
Jack Benjamin Caldwell	George Herbert Moulton
Raymond Waldmann	George Broughton Foote

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lt. Col. George Winship Easterday, Coast Artillery Corps, from July 14, 1939.

TO BE LIEUTENANT COLONEL

Maj. Clinton Albert Pierce, Cavalry, from July 14, 1939.

TO BE MAJORS

Capt. John Redmond Thornton, Cavalry, from July 14, 1939.

Capt. Douglas Horace Rubinstein, Infantry, from July 17, 1939.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Lt. Comdr. George H. Mills to be a commander in the Navy to rank from the 1st day of July 1939.

The following to be assistant surgeons in the Navy with the rank of lieutenant (junior grade), to rank from the 15th day of July 1939:

Michael V. MacKenzie	Edward P. Irons
Richard P. Wilson	Joseph J. Timmes
Donald W. Miller	Russell E. Hanlon
George N. Thompson, Jr.	Lynn S. Beals, Jr.
Everett P. Kirch	Samuel C. White
Lewis L. Haynes	John E. Nardini
Tom T. Flaherty	Martin Cooperman
Daniel W. Boone	Alvin J. Paulosky
John B. MacGregor	John W. Thomas
Reginald R. Rambo	Otto C. Baumgarten
Benjamin B. Langdon	James K. Van Deventer
Aubrey C. Stahr	Bruce L. Kendall
Samuel H. Oliver	Harry T. Stradford
Mark S. Curtis	Wilfrid D. McCusker
Martin E. Conti	Thomas F. Wright
Arthur M. Barrett	DeSales G. DuVigneaud
Vincent M. Dungan	Carl N. Ekman
Richard L. Fruin	Philip C. Guzzetta, Jr.
Paul H. Morton	Paul Deranian
Clifford A. Stevenson	William J. James
John V. Prevost	Phillips L. Claud
John R. Marron	George M. Hutto
Charles S. Hascall, Jr.	Vincent F. Biondo
Harry N. Kirban	Elvin E. Keeton
George L. Tabor, Jr.	Norman E. King
Lester J. Pope	Ferdinand V. Berley

James Crawford	John H. Cox
Hugh V. O'Connell	Arthur E. Gulick
Lester L. Smith	Jaroud B. Smith, Jr.
Alton C. Bookout	Horace D. Warden
James F. Handley, Jr.	Leslie W. Langs
Haydon Rochester	Edward T. Byrne
Leonard H. Barber	Jacob G. Hebble 3d
John G. Feder	

Lt. Comdr. William V. Davis, Jr., to be a lieutenant commander in the Navy to rank from the 22d day of September 1938, to correct the date of rank as previously nominated and confirmed.

The following-named commanders to be captains in the Navy to rank from the 1st day of July 1939:

Carleton H. Wright
Ralph S. Wentworth
Lunsford L. Hunter

The following-named lieutenant commanders to be commanders in the Navy to rank from the 1st day of July 1939:

Kendall S. Reed
Edward E. Pare
Frederick B. Kauffman

Lt. Robert G. Lockhart to be a lieutenant commander in the Navy to rank from the 1st day of May 1939.

The following-named lieutenants to be lieutenant commanders in the Navy to rank from the 1st day of July 1939:

Erksine A. Seay	Myron E. Thomas
John C. Daniel	John P. Bennington
Braxton Rhodes	Ralph H. Wishard
Louis T. Young	Harold R. Stevens
Charles R. Skinner	Alfred H. Richards
Charles R. Woodson	Burnice L. Rutt
Roy M. Signer	Victor D. Long

The following-named ensigns to be lieutenants (junior grade) in the Navy to rank from the 4th day of June 1939:

Paul C. Stimson	Sherman "E" Wright, Jr.
George A. Wagner, Jr.	David Zabriskie, Jr.

Lieutenant (junior grade) George R. Stone to be a lieutenant in the Navy to rank from the 1st day of October 1938.

MARINE CORPS

Capt. James A. Stuart to be a major in the Marine Corps from the 1st day of December 1938.

Capt. Shelton C. Zern to be a major in the Marine Corps from the 1st day of April 1939.

Capt. Frank D. Weir to be a major in the Marine Corps from the 1st day of June 1939.

Capt. Reginald H. Ridgely, Jr., to be a major in the Marine Corps from the 1st day of July 1939.

The following-named first lieutenants to be captains in the Marine Corps from the 1st day of July 1939:

Clarence O. Cobb
Sidney S. Wade

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 1st day of July 1939:

Bryghte D. Godbold	Thomas C. Moore, Jr.
Noah J. Rodeheffer	Richard A. Evans
Stuart M. Charlesworth	John B. Heles
Robert F. Scott	Erma A. Wright

The following-named citizens to be second lieutenants in the Marine Corps from the 1st day of July 1939:

Roger S. Bruford, a citizen of Massachusetts.
Lee A. Christoffersen, a citizen of South Dakota.
Frank H. Collins, a citizen of Maine.
Richard M. Day, a citizen of Wyoming.
George T. Fowler, a citizen of Wyoming.
Louis L. Frank, a citizen of New Hampshire.
Elmer L. Gilbert, a citizen of New York.
Joseph A. Gray, a citizen of Indiana.
Ralston R. Hannas, Jr., a citizen of Illinois.
John D. Howard, a citizen of Iowa.
Robert W. Kaiser, a citizen of Oklahoma.
Howard E. King, a citizen of Iowa.
William D. Masters, a citizen of Illinois.
Robert C. McDonough, a citizen of Louisiana.
Louis Metzger, a citizen of California.
William G. Muller, Jr., a citizen of Missouri.
Martin E. W. Oelrich, a citizen of Nebraska.
Ralph R. Penick, a citizen of Ohio.
Richard Quigley, a citizen of Rhode Island.
John T. Rooney, a citizen of Wyoming.
Lester A. Schade, a citizen of Wisconsin.
Norman E. Sparling, a citizen of New York.
Lyman D. Spurlock, a citizen of Nebraska.
Curtis R. Vander Heyden, a citizen of California.
Lyndon Vivrette, a citizen of California.
Tom R. Watts, a citizen of Oklahoma.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20 (legislative day of July 18), 1939

NATIONAL RESOURCES PLANNING BOARD

Charles W. Eliot to be director of the National Resources Planning Board.

Frederic A. Delano to be a member of the National Resources Planning Board.

Charles E. Merriam to be a member of the National Resources Planning Board.

POSTMASTERS

ARKANSAS

Irvin A. Blakely, Gurdon.
Robert M. Wilson, Hope.
Arlis L. Coger, Huntsville.
Della Kay, Keiser.
James H. Carnahan, Prairie Grove.
Travis E. Hamlin, Taylor.

IDAHO

Lena M. Bohrn, Hansen.
Frank H. Chapman, Parma.

ILLINOIS

Arthur S. Austin, Altona.
Herman G. Wangelin, Belleville.
Elmer E. Dallas, Cerro Gordo.
Marsel F. Snook, Cutler.
James M. Ryan, East Moline.
Roy M. Cocking, Erie.
Kile E. Rowand, Fairmount.
Hazel A. Richmond, Fillmore.
Maxine Loy, Maquon.
Otto F. Giehl, Metamora.
John F. Hartsfield, Monticello.
Henry R. Richardson, Moweaqua.
Walter W. Schultz, Oakglen.
Joseph L. Lynch, Oak Park.
Roy S. Preston, Pekin.
Charles F. Schmoeger, Peru.
Jacob Sand, Roanoke.
West M. Rourke, Springfield.
Edward G. Zilm, Streator.
Harry C. Strader, Westfield.

MASSACHUSETTS

Joseph G. Woodbury, Oxford.

NEW MEXICO

Frank J. Wesner, Las Vegas.
Mary E. Love, Lovington.
Antonio F. Martinez, Sante Fe.

NEW YORK

Mary J. O'Brien, Bedford.
Antoinette C. Longworth, Hewlett.

SOUTH DAKOTA

Florence Ferguson, Canton.
Ian H. Maxwell, Delmont.
Edward E. Colgan, Edgemont.

Clarence J. Curtin, Emery.
Robert H. Benner, Gary.
Ernest A. Schlup, Hudson.
Charles R. Dean, Rockham.
Inez M. Bruner, Sanator.
Charles F. Barg, White.

UTAH

Niels Stanley Brady, Fairview.
Jesse M. French, Greenriver.
Lydia R. Strong, Huntington.

WEST VIRGINIA

Harry W. Coplin, Elizabeth.
Emery L. Woodall, Hamlin.
Winston C. Harbert, Lumberport.
Effie L. Hedrick, Mabscott.
George Leonard Smith, Petersburg.
Lyman G. Emerson, Reedsville.
William B. Snyder, Shepherdstown.
Joseph C. Archer, Sistersville.
Ellen G. Hilton, Ward.

WISCONSIN

Clarence L. Jordalen, Deerfield.
Mathew E. Lang, Gillett.
James D. Cook, Marinette.
Anna C. Buhr, Marion.
Harry A. Victora, Middleton.
Harry V. Holden, Orfordville.
Edwin F. Hadden, Poynette.
Michael T. Lenney, Williams Bay.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 20, 1939

The House met at 11 o'clock a. m.

Dr. E. Howard Cadle, pastor of Cadle Tabernacle, Indianapolis, Ind., offered the following prayer:

Our Heavenly Father, we would pause a moment to look into Thy face and thank Thee for caring for us through the night. We would not know how to go through this day without placing our hand in Thy blessed hand.

We pray, our Heavenly Father, for the good relations of this hour. May there come to us a realization that Thou art still of the giving hand. We pray for everyone who is under the sound of our voice, and for this Congress. O God, may we so conduct our deliberations that we shall hear Thee say,

Well done, thou good and faithful servant.

O God, we pray for our Nation, the greatest in all the world. We have fought for it. We are loving it and praying for it this morning. We understand, dear Lord, that nothing can come that will harm us if a righteous people keep us in prayer. Guide and guard the homes of this Congress. Send Thy guardian angel to protect their homes and keep us under the shadow of the cross.

In the name of Him who loved us, even Christ, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2635. An act to amend the Federal Crop Insurance Act.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 6503. An act relating to the exchange of certain lands in the State of Oregon.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2170. An act to improve the efficiency of the Coast Guard, and for other purposes.

MAJOR OVERHAULS FOR CERTAIN NAVAL VESSELS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6065) to authorize major overhauls for certain naval vessels, and for other purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

After line 11, insert:

"SEC. 2. The President is hereby authorized to acquire two motor vessels from the Maritime Commission and to convert them for use by the Navy at a total cost of such acquisition and conversion of not more than $2,500,000."

Amend the title so as to read: "An act to authorize major overhauls for certain naval vessels, to authorize the acquisition of two motor vessels for the Navy, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the amendments?

Mr. VINSON of Georgia. Mr. Speaker, the amendment just submitted to H. R. 6065 is the same as reported in H. R. 5142. The matter was brought to the attention of the Committee on Naval Affairs this morning, and I was authorized to ask the House to accept the Senate amendment. The purpose of the Senate amendment, which is the same as the bill to which I have just referred—H. R. 5142—is to permit the Navy to acquire from the Maritime Commission two ships at a cost of not to exceed $2,500,000, which ships now belong to the Grace Line and which the Maritime Commission will take in a lending contract that they have with the Grace Line with reference to financing some new building for the Grace Line. These ships will be used in the work in the far Pacific. They are the particular type of ship that the Navy would have to have or else it would be compelled to ask Congress to authorize the building of ships for that particular work.

It is unanimously agreed to by the committee.

Mr. MARTIN of Massachusetts. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

ACQUISITION OF CERTAIN ADDITIONAL LAND FOR MILITARY PURPOSES

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 5735) to authorize the acquisition of additional land for military purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War is hereby authorized to acquire, in such order or priority as he may determine, title to additional land, or interest therein, or right pertaining thereto, to the extent of the approximate areas hereinafter set forth, for the establishment, enlargement, and essential improvement of the following military reservations, posts, and facilities:

"Fort Ethan Allen Artillery Range, Vt., 4,451 acres, more or less.

"Antiaircraft Firing Range, Mohave Desert, north of Barstow and Baker, Calif., 749,440 acres, more or less.

"Fort Bliss, Tex., 51,300 acres, more or less.

"Fort Devens, Mass., 6,448 acres, more or less.

"Fort Dix, N. J., 1,750 acres, more or less.

"Fort Knox, Ky., 51,342 acres, more or less.

"Leon Springs, Tex., 13,253 acres, more or less.

"Camp McCoy, Wis., 1,000 acres, more or less.

"Fort George G. Meade, Md., 10,000 acres, more or less.

"Pine Camp, N. Y., 1,670 acres, more or less.

"Seventh Corps Area Training Center, south central Iowa, 40,000 acres, more or less.

"Fort Meade, S. Dak., 7,680 acres, more or less.

"Fort Lewis, Wash., 2,830 acres, more or less.

"Maxwell Field, Ala., 100 acres, more or less.

"SEC. 2. In order to accomplish the purposes of this act there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, the sum of $5,000,000, approximately one-half of which is authorized to be appropriated in each of the fiscal years 1941 and 1942."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were agreed to, and a motion to reconsider was laid on the table.

BASTILLE DAY PARADE, JULY 14, 1939, PARIS, FRANCE

Mr. VINSON of Georgia. Mr. Speaker, by direction of the Committee on Naval Affairs, I present a privileged resolution (H. Res. 256) and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House Resolution 256

Resolved, That the Secretary of the Navy is hereby directed to transmit to the House of Representatives immediately complete and detailed information whether, as announced in the public press, it is the purpose of the United States Navy to participate in the Bastille Day parade on July 14, 1939, in Paris, France; also, whether the Navy Department is advised that British troops and airplanes would participate in the celebration of Bastille Day, and the British Secretary of War would review the troops together with the British Chief of Air Force and commander in chief of the British Mediterranean Fleet.

Mr. VINSON of Georgia. Mr. Speaker, I ask that the Clerk may read the letter from the Assistant Secretary of the Navy.

The SPEAKER. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, July 19, 1939.

The CHAIRMAN, COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: House Resolution 256 requesting information from the Secretary of the Navy, was referred to the Navy Department by your committee with a request for views and comments relative to the measure.

It is the purpose of House Resolution 256 to direct the Secretary of the Navy to transmit to the House of Representatives information as to whether it is the purpose of the United States Navy to participate in the Bastille Day parade on July 14, 1939, in Paris, France, and whether the Navy Department is advised that British troops and airplanes would participate in the celebration of Bastille Day, and the British Secretary of War would review the troops together with the British Chief of Air Force and commander in chief of the British Mediterranean Fleet.

Article 360, Navy Regulations, 1920, provides as follows:

"Upon the occasion of the celebration of their national anniversaries by the authorities of ships of war of a friendly foreign nation in foreign or domestic ports, ships of the Navy present shall, on official intimation being received by the senior officer, 'full-dress' or 'dress' ship, with the foreign national ensign at the main, and fire such salutes as are fired by the foreign authorities or ships, not, however, to exceed 21 guns, unless the senior officer present deems it necessary to fire a larger number in order to participate properly in the celebration or solemnity, to show proper courtesy to the nation complimented, or to avoid giving offense. Under similar circumstances, ships of the Navy shall participate in the observance of national solemnities of foreign states. Upon all such occasions, efforts shall be made to accord, so far as possible, with the foreign authorities in the time and manner of conducting the ceremonies."

The regulation quoted above states a long-standing international custom followed by men-of-war. There are many holidays of nations. The details of participation are rarely the same even in the same port in successive years. Such details must necessarily be, and are, arranged locally—that is, by the commander of the visiting naval detachment in collaboration with the foreign authorities. Insofar as practicable and appropriate, the commander of a visiting man-of-war conforms with desire of the foreign authorities as regards the manner of participation in an anniversary, celebration, or solemnity.

Ordinarily, the participation by United States naval forces in the national anniversaries of friendly powers is arranged without the knowledge of the Navy Department. The Navy Department is not usually informed of such participation.

With particular reference to the parade on July 14, 1939, in Paris, France, the Navy Department was not consulted by the commander of our naval detachment in European waters regarding any proposed participation by United States naval forces in this celebration, and it perceives no reason why it should have been consulted in this instance.

The Navy Department has no further information concerning the subject matter of House Resolution 256.

Sincerely yours,

CHARLES EDISON, *Acting.*

Mr. VINSON of Georgia. Mr. Speaker, the Navy Department has submitted to the Congress the information that is in its possession in response to House Resolution 256, and therefore I move to lay the resolution on the table.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Georgia.

The motion was agreed to.

CALL OF THE HOUSE

Mr. HOOK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-three Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 136]

Andrews	Dies	Kerr	Smith, Maine
Boren	Englebright	Magnuson	Smith, Ohio
Brooks	Evans	Marcantonio	Somers, N. Y.
Buckler, Minn.	Fay	Massingale	Sullivan
Buckley, N. Y.	Ferguson	Mouton	Sumners, Tex.
Byrne, N. Y.	Fernandez	Patman	Thomas, N. J.
Byron	Fitzpatrick	Peterson, Fla.	Wadsworth
Coffee, Nebr.	Gifford	Reed, N. Y.	White, Idaho
Connery	Hart	Risk	White, Ohio
Cooley	Hennings	Secrest	
Cummings	Johnson, Lyndon	Simpson	
Curley	Kelly	Smith, Ill.	

On this roll call 383 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

VETERAN RELIEF LEGISLATION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

PERMISSION TO ADDRESS THE HOUSE

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that I may address the House for 30 minutes today after the disposition of matters on the Speaker's table, the legislative program for the day, and any other special orders.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. ANDERSON of Missouri asked and was given permission to extend his own remarks in the RECORD.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a splendid editorial from Time magazine on neutrality.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein short resolutions adopted by the Townsend group at their annual convention.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a radio speech I made last night on the Columbia network.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

NEUTRALITY

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, in spite of Presidential pressure and ambassadorial propaganda, the Bloom neutrality bill will remain in the Senate Foreign Relations Committee. The issue will now go to the people to decide whether they want their sons to follow the arms traffic for blood money on to the battlefields of Europe.

Behind the entire fight waged in the Congress over the arms embargo and the Bloom neutrality bill was a distrust of President Roosevelt's international and interventionist views. Sixty-one Democrats in the House left the administration on the arms-embargo fight. The New York Times and Arthur Krock have stated that the President, by his own statements, was unneutral and has already taken sides.

There can be no compromise in Congress over giving President Roosevelt additional powers to intervene in the eternal quarrels and wars of Europe. If George Washington, Jefferson, Jackson, or Lincoln were President, it would not make much difference what kind of neutrality law was enacted.

The Congress and the American people are fearful that President Roosevelt, if given more power, would involve us in foreign entanglements and wars. They are opposed to having American soldiers police and quarantine the world and are determined to keep America out of foreign wars. [Applause.]

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, I think it is unfair for the gentleman from New York to state that the action desired by the President means the sending of our boys across the sea. That is just the thing the President wants to prevent. For weeks and months he has been pleading for peace in Europe and peace in the world. He is against war, he is against sending our boys across the sea. For the gentleman from New York or any other man to so misinterpret the President's attitude on neutrality is deliberately misleading and is based on neither truth nor fact.

I repeat, President Roosevelt is for peace and against war. [Applause.]

[Here the gavel fell.]

SEVENTY-TWO-YEAR CYCLES

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

Mr. RICH. Mr. Speaker, in 1789 George Washington, the Father of his Country, was inaugurated. Seventy-two years later, in 1861, Abraham Lincoln, the savior of his country, was inaugurated. Seventy-two years later, in 1933, Franklin Roosevelt was inaugurated, the financial wrecker of his country.

With the return of the Republican Party to power, we may in the year 2005 see some such news item as this: "The President has dedicated June 30 as a day of rejoicing because the last of the debts contracted by a spendthrift administration 72 years ago were liquidated." [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include therein an editorial from the News Palladium pointing out the difference between the manner in which Frank Murphy settled strikes and the manner in which Governor Dickinson settles them.

Mr. HOOK. Mr. Speaker, I object.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD with reference to the National Labor Relations Board.

Mr. HOFFMAN. Mr. Speaker, I object.

INVESTIGATION OF NATIONAL LABOR RELATIONS BOARD

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 258

Resolved, That a committee of five Members of the House of Representatives be appointed by the Speaker of the House to take testimony, investigate, and report to the House as follows:

1. Whether the National Labor Relations Board has been fair and impartial in its conduct, in its decisions, in its interpretation of the law (particularly with respect to the definition of the term "interstate commerce"), and in its dealings between different labor organizations and its dealings between employer and employee;

2. What effect, if any, the said National Labor Relations Act has had upon increasing or decreasing disputes between employer and employee; upon increasing or decreasing employment and upon the general economic condition of the country;

3. What amendments, if any, are desirable to the National Labor Relations Act in order to more effectively carry out the intent of Congress, bring about better relations between labor unions and between employer and employee, and what changes, if any, are desirable in the personnel of those charged with the administration of said law;

4. Whether the National Labor Relations Board has by interpretation or regulation attempted to write into said act, intents and purposes not justified by the language of the act;

5. Whether or not Congress should by legislation further define and clarify the meaning of the term "interstate commerce" and whether or not further legislation is desirable on the subject of the relationship between employer and employee.

The said committee shall recommend to the Congress such changes as they deem desirable in said act or in the personnel of those administering said act and shall recommend such legislation as they may deem desirable.

The committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act anywhere within or without the District of Columbia whether the House is in session or has adjourned or is in recess; to acquire by subpena or otherwise the attendance of witnesses and the production of books, papers, and documents; to administer oaths; to take testimony; to have printing and binding done; and to make such expenditures as it deems advisable within the amount appropriated therefor. Subpenas shall be issued under the signature of the chairman of the committee and shall be served by any person designated by him. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this resolution.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN], and I now yield myself 5 minutes.

Mr. Speaker, this is the resolution that has been pending for some time for the investigation of the National Labor Relations Board. As you all know, there has been tremendous pressure for a good many months for a resolution of this character. I introduced the resolution, because I was of the opinion there would not be all of this complaint and all of this pressure from the country unless something was wrong, and something that needed looking into. I know that there is very bitter opposition to the resolution from some quarters, but may I say to the House that there is nothing bitter in my mind about it. The matter should be looked into calmly, from a judicial standpoint, so that a careful, impartial investigation may be made. When that is done we ought to be able to bring to the House a report that will perhaps correct some of those things which are causing so much complaint.

Mr. Speaker, I voted against the creation of the National Labor Relations Board, and I did so on the ground it was unconstitutional. I think it was palpably unconstitutional at that time, but time has changed the Supreme Court, and the Supreme Court has changed the Constitution. [Applause.] I am one of those who wants to adjust himself, whether I agree with the Supreme Court or not, and I want to live under the Constitution as construed by the Supreme Court. [Applause.] So I approach this subject without bitterness, without feeling toward anyone, but with a very definite conviction that a good work can be done for labor, for industry, and for the country if this matter is looked into in a calm and dispassionate way by Members of this House who may approach it from a little fresher standpoint than those who have dealt with it over the past 5 years, so that we might perhaps bring back to the House some suggestions and recommendations that will cure the evils, whatever the investigation may show them to be.

Mr. Speaker, I reserve the balance of my time, and I yield at this time 5 minutes to the gentlewoman from New Jersey [Mrs. NORTON].

Mrs. NORTON. Mr. Speaker, I regret that I have been unable to be present during the past few weeks, as I would have liked very much to have had more time to explain to the House what the Labor Committee is doing and appeal to the justice of this great body in reference to the pending resolution. I have been ill, and this is the first day I have been able to attend. I know there is little that I can say which will prevent the opponents of the National Labor Relations law from doing their will, but I do want the Members of the House to stop and consider what they are doing to the Labor Committee of the House when they vote on this resolution.

Mr. Speaker, I have no apology to offer for the Labor Committee of the House of Representatives. I think it is one of the best committees in the House. [Applause.] May I say that the loyalty of this committee has never been challenged; neither has the ability of the committee to do the job that has been assigned to it to do. We have heard many complaints about the National Labor Relations Board. They may or may not be true. Before we complete our hearings we shall be in a better position to determine that question. What I want to say to the membership of the House today is that we are just as anxious to do the right thing as any one of you who are opposed to the Board. We feel we have been doing just that through an orderly hearing being held by the Committee on Labor. May I say for both sides of the House committee, Democrats and Republicans alike, that they have assumed their obligation and their duty as they see it, and they are trying to do the best kind of a job possible.

We started hearings on several bills that were pending before the committee, and I will be glad to have every Member examine these bills. We have given all of the time that we possibly could to the hearings. Since May 4, 1939, the hearings have been efficient and orderly. We have allowed anyone and everyone who had anything to say, either for or against the bills or the Board, to come before the committee. May I call your attention to the fact that, as a result of the hearings, you will find all of this testimony to date has been printed and is included in these volumes on this table before you, and in a short time we hope to have all of the testimony before the House.

Why, then, is it necessary for another committee of the House—a committee, if you please—to take unto itself the right to say when and how an investigation shall be had? Why is it necessary for this other committee to come in at this time, before the Labor Committee of the House has concluded its hearings, and tell you that it believes that only five men in this House are capable of bringing bills or suggestions to you as to what should be done with reference to the National Labor Relations law? Can it be possible that the membership of the House believes in that kind of legislation? How would those of you who are chairmen of committees feel if you had a proposition of this kind come up challenging the integrity of your committee? How would you feel if your powers were being usurped by another committee of the House?

Mr. Speaker, I have a great deal of respect for the gentleman from Virginia [Mr. SMITH], but certainly he is the last man in the world to pass on labor legislation. [Applause.] I have taken the trouble to investigate his labor record and I have yet to find a single labor bill for the benefit of the workers of the country that he has ever voted for. [Applause.]

Mr. Speaker, if the Members believe this kind of resolution should be acted upon, if they believe in taking from the power of a standing committee of the House, a committee that has been named to represent labor in this House, and placing it in the hands of five Members to be appointed by the Speaker of the House, well and good, but remember you are establishing a precedent which you may bitterly regret if this resolution is adopted. There is no reflection on the Speaker of the House. As a matter of fact, I feel rather sorry for him when he comes to name those five. Of course, I hope there will not be the necessity for his doing so. I certainly hope he will not have to name them. I trust that the fair, just, honest membership of this House will vote down this resolution and see to it that no committee of this House dares come before this great body with the statement, "We believe we have better knowledge of the matters that come before your committee than you have."

We have held our hearings. We are giving every consideration to the bills that have been introduced in this House and we intend to continue to proceed in order.

I say to you that when these hearings are concluded and when the committee goes into executive session to consider the bills that have been before the committee, having heard all the evidence, you can count upon your committee to be fair and just. If it is necessary to amend the law, your committee will certainly do just that. So I beg of you to vote down this resolution and allow the Committee on Labor to finish the job it has so well started to do. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield myself such time as may be required to ask the gentleman from Virginia a question in regard to the proposed membership of five members. What is the understanding with regard to the representation of the minority? Will there be two members of the minority on this committee?

Mr. SMITH of Virginia. I know nothing about that. That is entirely within the province of the Speaker.

Mr. ALLEN of Illinois. Would the gentleman be willing to amend the resolution to include such a provision?

Mr. SMITH of Virginia. I cannot yield for amendments. I am sure the Speaker will do the usual thing.

Mr. ALLEN of Illinois. We assume that it will probably be three and two.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SECCOMBE].

Mr. SECCOMBE. Mr. Speaker, Members of the House, before coming to Congress I served for three terms as mayor of a thriving industrial city, and I say with a great deal of apology that during that time many strikes occurred, including the "little steel strike," when it became necessary to call upon the Governor of our great State for troops to assist in maintaining law and order.

It was during this time and shortly thereafter that I had the privilege of watching the National Labor Relations Board in action. It is on account of this experience that I rise in support of this resolution, and I wish to commend my colleague from Virginia for introducing it.

During these closing days of Congress it seems to me that we have a very important duty to perform in order to establish some faith and confidence in industry and return millions of men and women to private employment who through no fault of their own are today upon the relief rolls.

I have no fault to find with the fine lady from New Jersey [Mrs. NORTON], the chairwoman of the Committee on Labor, or with any member of that committee, but it seems to me that the committee has had ample time to present to this body an opportunity to offer certain amendments to the Wagner Act as well as to the Wage and Hour Act, and also any information necessary to show the true facts as they now exist in the National Labor Relations Board.

Therefore, it seems to me, whether the Committee on Labor reports this bill or not, that we would be extremely negligent as Members of this Seventy-sixth Congress if we were to adjourn this session without adhering to the wishes of the people and voting for this resolution.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. SECCOMBE. I do not yield.

I am prepared, if this bill is passed, to present evidence to the investigating committee to show that this Board has been entirely unfair and partial in its conduct and in its dealings between different labor organizations and also between employer and employee, and I charge the National Labor Relations Board with increasing disputes between employer and employee, thereby causing decreased employment, which affects the general economic conditions of the country.

Any attempt to curb this investigation is to me an indication of weakness and guilt. I, for one, shall support it, and certainly no one would object to a complete, impartial investigation, and let us pass our opinion on a statement of facts. And to those who feel that the Labor Board has functioned efficiently, you owe it to yourselves and your constituents to vote for this resolution in order to vindicate the many charges that have been made throughout the length and breadth of this land. This is not a partisan matter. It is a question of justice to the American people and to the industries of our country. I regret that this investigation does not include the La Follette Civil Liberties Committee, as I am certain this committee's activities and partial attitude would warrant a complete investigation.

I therefore urge every Member to vote for House Resolution 258. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 15 minutes to the gentleman from Virginia [Mr. SMITH] to use as he sees fit. Perhaps I shall be able to yield more time later.

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Speaker, this resolution, I agree, is not a partisan matter. It is a bipartisan matter. It is the product of the same bipartisan coalition of reactionaries that has ruled this House since the very inception of this session. It is the product of the same bipartisan coalition of reactionaries that has destroyed the welfare of the unemployed of this country. Now we have before us this resolution, which will destroy the magna carta of American labor which the Seventy-fourth Congress gave to the working people of this country.

Paint brushes have gone down in price. I am sure the committee will avail itself of this situation in paint brushes to do a smart smearing job against the workers of the United States. [Applause.]

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. WELCH].

Mr. WELCH. Mr. Speaker, I am opposed to this resolution because I believe it to be an idle act. Your Committee on Labor has been holding hearings constantly on the proposed amendments to the National Labor Relations Act for over 2 months. The testimony thus far adduced goes into every phase of the existing controversy. The hearings are available to the Members of the House and are there on the desk. Mr. Speaker, it is a reflection upon the integrity and sincerity of a hard-working and conscientious legislative committee. The resolution should be voted down. [Applause.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Speaker, a vote against this resolution is not a vote against a careful, factual investigation of this whole matter of the working of this important act. Such an investigation, as has already been pointed out, is now being conducted by the Committee on Labor, which is where such an investigation belongs. To take this matter away from the Labor Committee is not only unprecedented but an affront to that body.

In its issue of July 8 the conservative business magazine Business Week had this to say:

> The regular hearings on the law constituted an investigation of the Board actually, and this special inquiry will plow over the same ground. It will, of course, play the spotlight more relentlessly for National Labor Relations Board dirt.

Fortune magazine on October 8, 1938, published an exhaustive article on this subject, in which it pointed out the fact that only 5 percent of all the cases brought before the Board have ever come to trial, because the rest of them have been either settled peaceably or dismissed, one or the other.

Talk about increasing strife! The plain matter of fact is that in the first year after the validation of the act by the Supreme Court, the number of strikes decreased by 40 percent, the number of workers involved in strikes decreased by 63 percent, and the number of man-days idle decreased by 68 percent. Furthermore, before the date of the validation of the act by the Supreme Court, there were as many strikes as there were cases brought before the Board. Today there are three times as many labor difficulties submitted to the National Labor Relations Board as develop into strikes. I think this is an indication of progress.

Furthermore, in recent weeks the Board has provided for petitions for elections by employers in cases where they are "caught between rival labor factions," and has indicated that it will follow the policy of calling for elections to determine the bargaining unit. These two matters have been the ones most complained of. Evidently there is no possible excuse for the expenditure of money on this proposed investigation except an attempt to strike in underhand fashion at collective bargaining in America. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, I expect to vote against this resolution, not because I am opposed to investigating the Labor Board, because we have been doing that for 10 weeks in the Labor Committee, but because I think it is a waste of money and will be mere duplication of the work the Labor Committee has already done in considering the amendments to the Wagner Act which are pending.

Back in April, in a speech in my own district, I announced my support of certain amendments to the National Labor Relations Act. I am in no sense here to defend the actions of the Labor Board, because I have differed with them on numerous occasions, both as to their policies and as to their construction of the intention of Congress under the law, but we are already investigating the Labor Board in the Labor Committee. If this resolution provided for a continuance of that investigation I think it would be sound policy; but why throw away the efforts of your committee which has been conducting hearings for 10 weeks? Why destroy the value of this testimony and have a special committee make a new investigation with recommendations to Congress which will have to go to the Labor Committee, and the Labor Committee again in the next session will have to start all over?

I want to express my personal appreciation to the gentleman from Virginia [Mr. SMITH] for having changed the form of his resolution so that it does not infringe upon the jurisdiction of the Labor Committee to consider whatever recommendations might be made by a special committee. The original resolution would have taken our jurisdiction away from us, and I am glad he saw fit to change that.

I personally hope that the House will permit the Labor Committee to complete this job, and as far as I am personally concerned I am in favor of amending the Labor Act, abolishing the present Board and creating a new Board of five and making such other amendments as may appear to be necessary after the hearings are completed.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. WOOD].

Mr. WOOD. Mr. Speaker, I think the introduction of this resolution is nothing more or less than a reflection upon the House Labor Committee, and I do not know exactly for what purpose it has been introduced.

I do not believe the purpose behind the introduction of this resolution is contained in the five-point program.

What does the resolution recommend? First, to investigate whether the National Labor Relations Board has been fair and impartial in its decisions and interpretations of the law, particularly with respect to the definition of the term "interstate commerce," and in its dealings between the labor organizations and between employer and employee.

Second, what effect, if any, the said National Labor Relations Board has had upon increasing or decreasing disputes between employer and employee.

Third, what amendments, if any, are desirable to the National Labor Relations Act in order to more effectively carry out the intent of Congress and bring about better relations between labor unions and between employers and employees.

Fourth, whether the National Labor Relations Board has by interpretation or regulation attempted to write into said act intents and purposes not justified by the language of the act.

Fifth, whether or not Congress should by legislation further define and clarify the meaning of the term "interstate commerce."

This is exactly what the Labor Committee of the House and Senate have been holding their investigation upon for the past several months, the House committee for 10 weeks and the Senate committee for probably 2 months or more.

As I have said, the purpose and intent behind the introduction of this resolution is not to investigate the five points mentioned, but is for the purpose of embarrassing the National Labor Relations Board and interfere with its administration of the law, as well as to embarrass the Roosevelt administration and eventually to defeat the purpose of the law. The resolution should be defeated. [Applause.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. ANDERSON].

Mr. ANDERSON of Missouri. Mr. Speaker, I urge support for the resolution of the distinguished gentleman from Virginia, calling for an investigation of the National Labor Relations Board.

During the past 2 years I have protested long, and sometimes loudly, to the Members of this body over what I considered abuses in the administration of the National Labor Relations Act. I have pointed out incidents of the ruthless abandon with which the Labor Board in its actions and decisions has distorted the evidence so as to make its decisions seem logical.

Now, Mr. Speaker, I have always maintained that these tactics are a matter of policy with the Labor Board, despite all precedent and basic law to the contrary not withstanding. The testimony of the Chairman of the National Labor Relations Board, Mr. J. Warren Madden, before the House Labor Committee, proves this.

One of the cases I referred to the committee for consideration was that of the Douglas Aircraft Co. The plant was seized by a small group of workers. The leaders threatened to destroy the experimental bomber being built for the Army. They were forced to leave the plant on the threat of the authorities of the city and county, as can be learned from the testimony of the mayor of the city. I told the committee that several of the strikers had been convicted by a jury in Los Angeles County of felonies in connection with this strike.

Mr. Madden in his statement to the committee said, concerning this:

> None of the men ordered rehired had been convicted of felonies, 12 of them had been convicted of misdemeanors—conspiracy to commit forcible detainer—and had been fined.

I have here, Mr. Speaker, a certified copy of the action of the jury in this case in which 20 of these men are—

> We the jury in the entitled action find the defendant guilty of conspiracy, a felony, as charged in the second amended indictment.

I ask unanimous consent to extend this copy in the RECORD at this point.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANDERSON of Missouri. I have pointed out to this body and again to the Labor Committee that the Labor Board ordered the rehiring of "Red" Ortman, a German alien, who, through misrepresentation, gained employment in the Douglas plant, despite the fact that the Air Corps Act prohibits the employment of aliens. The Labor Board ordered the Douglas Co. to rehire this alien with back pay.

Mr. Madden said in his statement to the Labor Committee:

> The Board did order the reinstatement of Ortman, who was one of those discriminated against, but expressly provided that he should be offered only such employment for which he as an alien was eligible. The Air Corps Act is not applicable to the manufacture of commercial planes. Since the Douglas Co. manufactures commercial planes as well as Army planes, it had work for which Ortman was eligible. The Board's order merely required that Ortman be reinstated to work of this sort, which was in no way forbidden by the Air Corps Act.

Now, Mr. Speaker, I do not remember seeing any special section or provision being made for Ortman in the Douglas case. But, I take the chairman's statement that it was. But in the name of reason, how can an alien be employed on commercial aircraft when on the same assembly line Army planes are being built? And too, Mr. Speaker, there was no intention on the part of Congress in passing the Air Corps Act, as I interpret it, to permit any board or bureau to order the employment of aliens in our aircraft factories. As I understand the law it provides that no alien shall be employed where military aircraft are being built.

Mr. Madden made no reference in his statement to the case of Vincent O. Racine. Racine, you will recall, is the man who stripped the bomb racks on the new *B–18* bomber and was ordered rehired with back pay by the Labor Board. It will be recalled, Mr. Speaker, that Army and Navy engineers testified that Racine's act could not have been accidental and that it was either a deliberate attempt at sabotage or was grossly incompetent workmanship.

But Mr. Madden did take up more than a page of his statement explaining how the automobile worker's newspaper carried an account dated April 9, 1938, of a decision of the Labor Board which was not rendered until April 20, 1938.

Mr. Madden dismissed my charges about the Oil Well Manufacturing Co. of Los Angeles case with a flip of the hand. The record in the case stands for itself. I have read every page of it. The Labor Board on November 10 put one of its complainants, George Falardeau, on the stand, who testified as to how he was discriminated against. He denied on cross-examination that he had been in jail during his absence from work. The next day, Armistice Day, the attorney for the company went to the police department and obtained such information that when he presented it as an offer of proof on the following day, November 12, the Labor Board attorney admitted its truth and dismissed the complaint. Mr. Madden said:

> Our files show that a full investigation was made by the Board's representatives before the case was brought.

Maybe so, but it only took the attorney a few hours on a national holiday to obtain information that proved entirely false the information obtained by the Labor Board in its "full investigation."

Now, more than a year ago, hearings were held in St. Louis against the St. Louis branch of the Ford Motor Co. I have read every page of this voluminous hearing. I called attention to certain abuses. One was the fact that the Labor Board attorney admitted that he allowed one of his witnesses to testify falsely. Now, Mr. Madden, it is clear from his statement, did not read the Labor Board's own transcript of this case. He gives himself a loophole by saying:

> I am informed the facts are these—

Now, Mr. Speaker, let me read for you the facts as he said he had been informed they were:

> The company's counsel on cross-examination resorted to the device, well-known among lawyers, of asking the witness if he had discussed his testimony or the case with counsel before the hearing. The witness had talked with counsel but fell into the trap and denied it. Later the Board's attorney, when called to the stand, testified he had talked to the witness, but that he had done nothing immediately to correct the testimony because he did not consider it material except upon the point of credibility. I think the Board's attorney should have corrected the misstatement of the witness at once, though it was perfectly evident to him that the respondent's counsel knew the statement was not true and that they would so prove, and that respondent would not be in any way prejudiced by the testimony.

For the information of this body, Mr. Speaker, this testimony is on pages 11291–11302 of the official transcript.

Mr. Madden's statement as to respondent's counsel's knowledge of the fact of the C. I. O. local president's perjury is absolutely false and unsupportable, as Mr. Madden well knows if he conferred with the trial attorney for the Board or if he read the pertinent facts of the Labor Board's transcript of the case. Mr. Madden had no comment on the fact that the very foundation of the charges and accusations by the Board were laid on the false testimony of the local C. I. O. president. He was allowed to testify freely and fully as to his beliefs, opinions, the working conditions, wages, and hours, of Ford, General Motors, and others, and also give hearsay evidence of what he or anyone else had heard—without identifying the sources of his information or the persons whom he was quoting. Mr. Madden further had no comment on the fact that the trial examiner's intermediate report was based primarily upon testimony of the local union president, which testimony was proven false by the record.

Mr. Madden made no comment on the Labor Board attorney's testimony that the Board attorney had told a group of about 40 Labor Board witnesses—before they testified—that he would put a bullet through their heads if they did not testify properly—pages 11294–11295 of the official transcript.

Further, while the local C. I. O. president was allowed to testify regarding wages, hours worked, working conditions, and so forth, the trial examiner rejected the respondent's exhibits and testimony covering these points—pages 20984–20985, official transcript.

Mr. Madden stated:

> Mr. Anderson also contends that the Board's agents before the presentation of the case made no investigation other than to accept the C. I. O.'s word for the charges. This is not true. The regional office, I am informed, talked with hundreds of employees before presenting its case; every witness was interviewed before he testified; hundreds of written statements were obtained. Further, although the Board's agents did everything in their power to secure information from the company and to obtain the company's views on the alleged unfair labor practices, the company consistently refused to furnish such information.

Again Mr. Madden is guilty of the grossest distortion of the facts and ignorance of the official transcript.

The field examiner for the Labor Board, Dr. Ryan, testified on the witness stand that he did not make any investigation of the charges against the Ford Motor Co., nor did he contact any Ford employees who were working, that this entire investigation was made with a few C. I. O. officers and C. I. O. members. Dr. Ryan further testified that he was aware of the fact that the plant was shut down at the time in question for a change of models and that no men were working on production. He stated that the charges made by the C. I. O. and filed by the Labor Board were substantiated only by his interrogation of C. I. O. officials and members and that was the total extent of his investigation. Pages 20290–20291 of the official transcript.

Mr. Madden has overlooked the testimony of the C. I. O. international organizer, Norman Smith, on page 5284, official transcript, that the complaint filed with the Labor Board was based only on the refusal of the Ford Co. to give preference to the C. I. O. committee and officers. Mr. Madden has overlooked that part of the official transcript showing that immediately after the C. I. O. organizer had made his damaging admission the trial attorney withdrew him from the witness stand, with the consent of the trial examiner, for a conference.

Mr. Madden was unaware that men were listed in the complaint who had never worked for the Ford Motor Co. and had apparently never existed. He was likewise unaware that 45 of the complainants alleged to have been discriminated against could not possibly be found, either by the Labor Board or the U. A. W. A. Union, although the trial had been held open for several days while union cars cruised the town and surrounding country "shaking the bushes" for witnesses they could not find, as stated in the official transcript, pages 6004 to 6007.

Mr. Madden was also unaware that two men listed in the complaint had resigned from their jobs with the Ford Motor Co. many months prior to filing the charges and, in fact, before the U. A. W. A. had ever started organizing. These cases were reluctantly dismissed by the Board many months after the hearing began.

Mr. Madden completely ignores the fact that 22 of the men listed in the Labor Board complaint were working steadily and satisfactorily for the Ford Motor Co., and had no knowledge that their names were being used in preparing the Board's complaint, without any authority from these men (pp. 12790–12799, 14060–14061, 14072–14073, 15542–15543, 15551–15552, 15578–15579, 16629–16630, 17184–17185, and 17474–17484, official transcript).

Mr. Madden was not "informed" that the evidence in the transcript shows that some of the affidavits and documents presented by the union purporting to be signed by union members and notarized by a Board representative were forgeries and had not been seen, nor signed, by the employee alleging to have been discriminated against.

Somebody failed to "inform" Mr. Madden of the following facts: One witness testified he left St. Louis a half day before the plant shut-down in September 1937, and that he had been injured in an automobile accident and had been in the hospital in Minnesota since that time and did not return to St. Louis until February 25, 1938; that he had never visited the union headquarters nor the Labor Board office; that he had no knowledge his name had been used in the complaint; that the Ford Co. had invited him to return to work on November 3, 1937, and again on December 10, 1937, but he was unable to do so. He did return to work as soon as he was able in March 1938. The Labor Board attorney objected to this testimony to these facts on the ground that it was "irrelevant and immaterial," and the amazing fact is that he was sustained by the trial examiner. Upon insistence of Ford counsel that this was important testimony, the trial examiner said:

> Even then it doesn't matter. He is not the one that filed the complaint. The union filed the charge. They didn't file it in his name. They filed it in behalf of the public to keep you (Ford Co.) from restraining interstate commerce (pp. 17479–17481, official transcript).

That represents one of the most amazing statements ever made by anyone having charge of trying a case.

At the last session of Congress, Mr. Speaker, I called attention to the fact that the Labor Board regional director in St. Louis had told a group of workers in the Solomon Dress Co. to go in a body and join the C. I. O.

In his statement before the Labor Committee Mr. Madden again runs to cover by saying:

> The facts relating to the incident as nearly as I can ascertain them are as follows:

He does not deny that Miss Dorothea De Schweinitz, regional director at St. Louis, made the statement, but says:

> She states that this was said ironically and not in any such manner as would indicate she was urging them to join the I. L. G. W. U. (C. I. O. union).

And Mr. Madden, for himself:

> While I think the remark of the regional director was unfortunate, I do not see how one can construe the incident as an instruction or even a suggestion that the employees join the C. I. O.

Now, Mr. Speaker, I could present much more evidence, but time is limited. I believe anyone can see from the facts themselves that the Chairman of the Labor Board distorts them to fit his own ideas of what they should be to substantiate any view or opinion he may or may not have. I say to you, Mr. Speaker, that this is the character and policy of the Board. The vaguest type of irresponsible hearsay evidence is admitted to the record when favorable to the C. I. O. I say that has been the rule and practice of the Labor Board and the theory of the Board itself as to how the law should be administered.

I believe every Member of this House should support the resolution of the distinguished gentleman from Virginia [Mr. SMITH], and I urge its adoption.

MONDAY, DECEMBER 20, 1937.

Convened at 10 a. m.

Present: Hon. Thomas L. Ambrose, judge; Roy Goff, deputy clerk; Cecil J. Luskin, deputy sheriff; Elmer L. Kincaid, reporter (10 a. m. to 4:30 p. m.), and the following proceedings were had:

The People of the State of California, plaintiff, v. Claude R. Anderson, Marvin Art, Jack Boyer, William Busick, Howard Earl, Lyle Griffith, Carl W. Hersey, Douglas Hunter, William H. McCormick, Jr., Silas V. Nimz, Jack Ortman, Harry Ovadenko, Eugene B. Page, Isadore Patt, Vincent O. Racine, Otto L. Rumble, Andrew N. Schmoulder, Virgil G. Sharp, Matthew Vidaver, Leslie B. Warburton, Charles F. West, Jr., and Edward F. Wilson, defendants. 67121

Trial is resumed.

At 9 a. m. the jury returns and resumes deliberations and at 11 a. m. returns into court with the following verdicts, to wit:

(TITLE OF COURT AND CAUSE)

"We, the jury in the above-entitled action, find the defendant, Claude R. Anderson, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Marvin Art, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Jack Boyer, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, William Busick, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Howard Earl, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Lyle Griffith, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Carl W. Hersey, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Douglas Hunter, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, William H. McCormick, Jr., guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Silas V. Nimz, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Jack Ortman, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Harry Ovadenko, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Eugene B. Page, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Isadore Patt, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Vincent O. Racine, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Otto L. Rumble, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Andrew N. Schmoulder, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Virgil G. Sharp, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Matthew Vidaver, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Leslie B. Warburton, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Charles F. West, Jr., guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

"We, the jury in the above-entitled action, find the defendant, Edward F. Wilson, guilty of conspiracy, a felony, as charged in the second amended indictment.

"S. EDW. DUSKIN, *Foreman.*

"This 20th day of December 1937."

The pronouncing of judgment and sentence is set for December 22, 1937, defendants to remain on their own recognizance or on bail, as the case may be.

I certify the foregoing to be a full, true, and correct copy of an order entered on the minutes of said superior court, department No. 42, in the above-entitled cause.

Attest my hand and the seal of the said superior court this 8th day of June 1939.

[SEAL]

L. E. LAMPTON, *County Clerk,*
By T. A. MATHIEU, *Deputy.*

Mr. SMITH of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, the evidence before the Committee on Rules shows conclusively that the Labor Committee has conducted fair, impartial, and careful hearings on this matter for many, many weeks. Therefore I, as chairman of the Committee on Rules, felt that it would be a dangerous precedent, which would come back to plague the House if we reported this resolution while that committee was earnestly working to bring about a report to the House upon the investigation it was conducting.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. For a question.

Mr. COCHRAN. The gentleman knows that if we vote down the previous question we can offer an amendment to this resolution, providing that the Committee on Labor of the House of Representatives do exactly what this select committee is empowered to do, and in that way we can meet the situation. Vote down the previous question and an amendment can be offered.

This resolution is a slap at a standing committee of this body. I do not object to an investigation, but if it is to be authorized, then substitute for a special committee the Committee on Labor, give them the same authority and the same instructions as contained in this resolution. That should be acceptable to those who favor this resolution. You would not want a resolution passed that would cast a reflection on a committee of which you are a member. Fairness demands that we respect the members of our committees. If the previous question is voted down, an amendment could be offered empowering and instructing the standing committee of the House to do the job, and it will follow the instructions given by this body. I hope the previous question is voted down so that this amendment can be offered. I propose to protect

our standing committee by voting against this resolution as now worded, but I will vote for the same resolution if the standing committee of the House is named to do the work.

Mr. SABATH. The gentleman from Missouri is correct. I appeal to all of you who have interest in the orderly procedure of the House. If we should pass this resolution today, then tomorrow or the day after people may come in and ask us to discharge a committee from the consideration of a bill or deprive other committees of their privileges and responsibilities as to any bill pending before them. I warn the younger men here who have come to stay, do not be carried away, do not yield to temporary appeals on the part of those who have been unfair to labor, do not yield to those enemies of labor, because this act was passed in the interest of labor, and I know that neither this Board nor any judge of the United States can at all times satisfy all people. I have confidence in the Board, and by giving them a few more months to work things out I know there will be no complaint, but above all I feel that the Labor Committee should have the right and privilege to continue and that they should not be deprived of their privileges. I have hundreds of letters and telegrams against the resolution. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Speaker, I think this resolution should be voted down. If we understand the objectives and purposes lying back of the resolution, and if you were to vote on that issue they present, I am satisfied that this House, when called upon to go on record, would vote it down by a vote of at least 2 to 1. The issue is: Shall labor be denied the right to organize; shall it be denied the right to bargain collectively; shall it be deprived of the only court it has ever had; shall the closed shop be taken from labor? An aye vote on this resolution is to answer "yes" to each question I have here propounded.

This resolution should be voted down in the first place because it is one of the most violent infringements of the prerogatives of a legislative committee of this House, and as a practical matter would result in losing all of the efforts of the Labor Committee indicated here by the records on this table before us. But in the final analysis we cannot dodge the issue—that here we are called upon to take from labor that which it has spent a century to secure. If you really believe that labor in America shall not have the right to organize and deal collectively, and that right be recognized by law, then you should vote for this resolution, because that is what it is striking at. It is striking at the instrumentality or agency that we have set up in this country to permit and guarantee to a laboring man the right to come in and have a judicial determination of the issues involved in a labor dispute.

Twenty-two thousand cases in 4 years have been brought to the N. L. R. B. and 14,000 disposed of. They involved a possible loss of life, loss of property, and all of the misery incident to labor struggles in the years before this piece of legislation came into effect had they been settled in the old way. All this has now been largely abolished. Do you want to go back to the good old days of misery, bloodshed, and strife?

I say to the authors of this resolution that I am ready to support it if they sincerely feel it needs to be passed, if they will amend the first line and provide that the committee referred to in the bill shall be selected from the Labor Committee of the House. [Applause.]

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. HEALY].

Mr. HEALEY. Mr. Speaker, after 50 years of struggle by organized labor, the Congress of the United States eventually recognized the principle of collective bargaining by the passage of the National Labor Relations Act, thereby conferring upon those who produce wealth in conjunction with capital the right to sit around the table with management and have something to say about the conditions under which they perform their services and their labor. This victory was hailed everywhere throughout the ranks of organized labor as the Magna Carta of labor. This resolution providing for an investigation of the administration of the Labor Relations Act comes from a most hostile source. The author stated in his remarks that he did not vote for this legislation when it was before the Congress because he believed it was unconstitutional.

Shortly after the passage of the National Labor Relations Act by the Congress its constitutionality was challenged by an appeal taken to the Supreme Court.

The Court upheld the validity of the act, but the gentleman from Virginia still disputes the decision of that Court.

But, my friends, regardless of his opinion, it is the law of the land. Now you are asked by the gentleman from Virginia to supersede the efforts of a regular standing committee of this House, the Labor Committee. It is a committee having all the dignity, prestige, integrity, and privileges of any other committee of this House. That committee has jurisdiction over all matters affecting labor legislation. It has spent 39 days conducting hearings on a bill to amend the National Labor Relations Act—has compiled over 6,000 pages of testimony in its conduct of this hearing. It is reasonable to believe that this committee, following the orderly processes of this democratic body, will make such recommendations as the committee, in its considered judgment, believes necessary and sound after it has concluded its hearings and deliberations. It should be permitted to continue without having its jurisdiction usurped or its integrity reflected upon.

I trust the House will vote this resolution down. [Applause.] [Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LELAND M. FORD].

Mr. LELAND M. FORD. Mr. Speaker, I want to compliment the gentleman from Virginia [Mr. SMITH] for bringing in this resolution. I have no fight to pick with the Labor Committee. I received courteous treatment from that committee, but I want to say that we have been in session for some 7 months and business in this country has to work under that law. Business is important enough to have those amendments brought to this House for action. Business cannot wait much longer.

Mrs. NORTON. Mr. Speaker, will the gentleman yield?

Mr. LELAND M. FORD. No. I only have 3 minutes.

The Douglas plant is in my town of Santa Monica. As to whether this Board has been impartially conducted or not, I can say to you that when 21 men are convicted by a court in this country and the Labor Board comes back and says, "You must reemploy them," I do not think that is the American idea of impartiality of conduct and I do not think it conforms to American standards of fairness.

The gentleman from California [Mr. VOORHIS] said that of all the cases filed only 5 percent were brought to trial. That may be true, but many of those were small-business men. The little fellow does not have the money to stand the expense of such a trial.

Now, coming back to whether we should or should not vote for this resolution, I want to say that if the statements of the members of that committee are any criterion, they have made statements as to the perfection of the act as is, and this would indicate to me that there would be no amendments. In that event, I think it is high time that this is called before the House and action taken directly. There is no reason why the evidence that has already been given before the Labor Committee cannot be used jointly if there is that spirit of cooperation which there should be. I made a statement before the committee and I was asked the question, after it was indicated that there would be no changes or amendments by certain members of the committee. I said at the time that unless they granted amendments on this unfair, un-American act, that public sentiment would rise in this country to such an extent that they would demand those

amendments. I think that sentiment is here today, and I hope this resolution will be agreed to. I am going to vote for the resolution.

I ask unanimous consent that I may be permitted to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Here the gavel fell.]

Mr. ALLEN of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. McDOWELL].

Mr. SACKS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. (After counting.) Two hundred and thirty-five Members are present, a quorum.

The gentleman from Pennsylvania [Mr. McDOWELL] is recognized.

Mr. McDOWELL. Mr. Speaker, here is how the National Labor Relations Board has helped us up in Pennsylvania:

My own district, site of some of the largest heavy industries in the world, has had its share of these devastating strikes, some justified, a great many not justified, but agitated and arranged by ruthless politicians who have fastened themselves onto the body of organized labor, encouraged and permitted by the National Labor Relations Board.

In western Pennsylvania there is a small coal-mining town of Coral, once having a population of 1,500 coal miners and their families, but which has been completely ruined by 11 strikes in the last 24 months. Last Tuesday the mine was closed and the town was sold under the auctioneer's hammer, piece by piece. An $18,000 United Mine Workers' Home has just been completed there and stands as a monument to the collection of dues, but its owners are on relief.

Fifteen labor leaders are said to be the cause of the 11 strikes, which not only did not increase the income and better the conditions of the miners but resulted in 100 percent of them being thrown onto the relief of the State and the Nation.

The strike agitators have gone to other and more prosperous fields where their particular talents can be used again to the disadvantage of America's workingmen, but the miners and their wives and their children are sitting glumly back around the ruins of their once prosperous coal mine, living on the small pittance the Government hands them as charity.

To bear these remarks out, I would like to include herewith an article from the Valley Daily News, of Tarentum, Pa., headed Coral, Now Ghost Town, Monument to Strike Folly.

CORAL, July 18.—Miners and their families today are pondering the cost of strikes as their homes go under the hammer. The entire town that once housed 1,500 persons is being sold piece by piece. With it goes the coal properties and mining and coke equipment that coal men say will never again operate.

Labor trouble, 11 strikes in 2 years, the operators say, made it impossible for them to continue. In the 2 years of 1937 and 1938, the Coral Coal & Coke Co. put $100,000 into the mines and ovens, about half of which they said resulted from losses directly due to repeated strikes. The mine operated under union contract and at union wages, officials said.

Constant agitation by about 15 leaders caused the troubles, according to the management. Each strike required a concession by the company for settlement and each concession became accepted policy. After 11 costly concessions the operators could no longer operate at a profit, they said.

The company's chief product was foundry coke. It operated 300 ovens and employed 270 men at the time of closing. At one time it employed more than 300. Today the former employees as well as company officials realize fully that the repeated strikes are responsible for them being out of employment and on relief. All the miners retain today is an $18,000 meeting hall recently completed.

The mine was originally opened in 1902 by the Wharton Coal & Coke Co. It represents an investment of more than a million dollars.

Mr. ALLEN of Illinois. Mr. Speaker, I yield the 2 remaining minutes on this side to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker and Members of the House, since 1933, when I came to this body, I have been a member of the House Labor Committee. I believe I have been impartial and fair in the consideration of proposed legislation coming before that group. I speak not of personalities but simply upon the merits of the proposed resolution. In my opinion, this resolution is absolutely wrong. I believe that its adoption today will mean a break-down of committee structure in this House. Your Labor Committee, both Democrats and Republicans, will honestly discharge its duty. I feel I must say that after having been present at such hearings and having seen the way the chairman, Mrs. NORTON, and the acting chairman, Mr. RAMSPECK, have conducted them, that no witness has been treated unfairly. Courteous consideration has been given to both those for and against the National Labor Relations Board. All viewpoints are being heard, and there comes the realization on my part that this standing committee of this House, of which I am a member, is honest in its desire to, at the proper time, after full and complete testimony has been heard, bring in amendments which should be offered to the present act. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FLANNERY].

Mr. FLANNERY. Mr. Speaker, I do not believe there is a Member of this House who wants to suppress investigation. I do not believe there is any Member on this floor who wants to suppress or conceal any deficiencies in the national labor relations law. But we have a question of procedure here this morning. I am in favor of fair, open, and full investigations, but we have an investigation under way by the Labor Committee of this House. If that investigation is not fair, open, and full in any respect, I am anxious to know wherein it is not and why. It has already produced results. I understand the National Labor Relations Board has amended its regulations and its procedure in response to that investigation. Now some of the Members want two investigations. If this is reasonable, one can, with propriety, then ask for an investigation to investigate the investigators who are investigating the original investigation. [Laughter.] It just does not make sense. We have one investigation that has been fair and open and apparently efficient. If that is wrong, it has not been shown. If it is not wrong, then this motion comes before the House with ulterior motives, and those motives are not to investigate, not to disclose the truth, but to discredit only. I oppose the bill in behalf of the Labor Committee, American labor, and American fair play. [Applause.]

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. THOMAS F. FORD].

Mr. THOMAS F. FORD. Mr. Speaker, the question before this House today is just simply this: If you believe in collective bargaining as a sound principle in our democracy; if you believe that the man who works should be afforded the opportunity to have a voice in determining the wages he receives and the hours and conditions under which he works, you will vote down this resolution. The actual result of the adoption of this resolution will be to break down and emasculate the Labor Relations Act.

Those who are promoting this resolution tell us there are a lot of complaints from business. That is true. There always will be a lot of complaints from business and industry. There will always be like complaints from labor. The National Labor Relations Board has handled thousands of cases. Out of all those cases there are probably not more than a dozen cases that have actually been mishandled; yet because of the bad handling of a few cases we are asked to break down and emasculate an act that is intended to and does protect the man who gives employment as well as the man who is employed and makes it possible for them both to cooperate in a democratic way. I ask my colleagues to vote this resolution down.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. DUNN.]

Mr. DUNN. Mr. Speaker, for 2 months the House Committee on Labor has been holding public hearings on the National Labor Relations Act. Our chairman has been very fair to every person who desired to come before the committee.

A number of Congressmen who spoke on the floor this morning appeared before our committee. These gentlemen took considerable time before the committee, yet they now stand up here and tell you to vote for the resolution, which will deprive the House Labor Committee of its legislative rights.

The National Labor Relations Act has been a great blessing for our laboring people. There are many persons who are owners and managers of business establishments who want this act repealed. These people are the enemies of the laboring class.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield one-half minute to the gentleman from California [Mr. THOMAS F. FORD].

Mr. THOMAS F. FORD. Mr. Speaker, I want the RECORD to show that the Mr. FORD referred to by the gentleman from Pennsylvania [Mr. DUNN] was LELAND M. FORD and not THOMAS F. FORD.

Mr. RANDOLPH. He was treated with courtesy, and he said so in his speech.

Mr. SMITH of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Speaker, I think the real reason for the bringing in of this resolution is found in section 5 on page 2, where the disclosure is made of an intent to define and clarify the term "interstate commerce." This term has been defined very ably by the Supreme Court of the United States. This resolution is for the purpose of trying to change the definition of that term.

All this stuff about smearing, all this stuff about investigation, in my opinion, is way in the background. You will find when you read this resolution carefully that what I have stated is the fact. This proposed committee, if it is granted the power under this resolution, will recommend that the definition of interstate commerce handed down by the Supreme Court of the United States be changed so as to sabotage the right of Congress actually to legislate with regard to interstate commerce. I think the monopoly boys are behind this thing and are using this means of gaining their point; as usual the back-door method.

Who is behind this attack on the National Labor Relations Act and its administration? Is the call for amendments a spontaneous reaction throughout the country of persons wronged by the act and its administration?

Look at the witnesses for the employers who have appeared before the Senate committee. Thirteen employers' associations have testified in opposition to the act. One is the National Association of Manufacturers, and 10 others are affiliated with it. The National Association of Manufacturers opposed the act in 1935 when it was pending in Congress; called for "a continuing campaign to repeal the act," after its enactment; sponsored company-dominated unions among its members and advised them how to transform these company-dominated unions into so-called independent unions; approved of vigilante movements and the notorious Mohawk Valley formula, with its array of strikebreakers, missionaries, thugs, and spies; and has by unceasing propaganda sought to nullify the act and defeat the rights of labor.

Look at the witnesses representing so-called independent unions who testified in opposition to the act. Of the 28 who appeared before the Senate committee there were 27 from so-called independent unions in companies affiliated with the National Association of Manufacturers.

Look at the employer witnesses. Twenty-three out of thirty-six represent companies affiliated with the National Association of Manufacturers. Does this not prove that one well-heeled pressure group is behind the whole agitation?

Of the estimated more than 200,000 manufacturing companies in the United States, the National Association of Manufacturers represents, so it claims, 7,500 members, or less than 4 percent of all the manufacturers in the country. Does the National Association of Manufacturers speak for American industry? This is a single-handed attempt on the part of the National Association of Manufacturers to defeat this law, by parading before the committee the same interests appearing under various names.

Vote down this vicious resolution and you will have done your duty to labor. A vote for this is a slap at labor.

Mr. FRIES. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Illinois makes the point of order that a quorum is not present. The Chair will count. [After counting.] Two hundred and fifty-one Members are present, a quorum.

Mr. SMITH of Virginia. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. GEYER].

Mr. GEYER of California. Mr. Speaker, this investigating committee will be no doubt what many other committees have been, a smearing committee. It will not investigate, it will go out and collect red paint with which to smear the board that all the gains under the New Deal may be lost. We have had about enough of these smearing committees it seems to me.

It has been stated on the floor of this House by the estimable chairman of the Labor Committee that never once has the author of this resolution cast a favorable labor vote. He will be chairman of this committee. What sort of treatment do you expect labor will receive at the hands of a committee headed by one out of sympathy with labor's cause?

No friend of labor can vote for this precedent-smashing resolution. If this carries, and I can see that it will, it will be because the tories of both parties have joined hands to take another backward step. First it was the Dies committee, then it was the Woodrum committee, now it is the Smith committee. Will our nostrils never be filled with the stench that rises from the actions of special investigating committees?

Mr. SMITH of Virginia. Mr. Speaker, may I ask how much time remains?

The SPEAKER. The gentleman from Virginia has 12 minutes remaining.

Mr. SMITH of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. HOFFMAN. Mr. Speaker, following the precedent established by the gentleman from Michigan [Mr. HOOK] I object.

The SPEAKER. Objection is heard. The gentleman from Illinois is recognized for 2 minutes.

Mr. KELLER. Mr. Speaker, I have to ask this body to vote down this resolution for the purpose of bringing before the House a fair and reasonable discussion of the actual issue.

The Labor Committee have been working for 10 weeks, and these volumes of testimony on the table represent the result of that work. Any of you who look at it, who have been through the mill as many of the members of the Labor Committee have been, will know what that means. The Senate Committee is still at work. It has not been criticized, yet it has been working a month longer than we have.

The Labor Committee of the House is not going to be bludgeoned into making a report until we have heard everybody who ought to be heard. We are carrying on a proper, reasonable, and rational hearing. If this House wants to take away from this committee its right to continue that work, the onus will be yours. You gentlemen who are sponsoring this idea will be asked to pass on other resolutions, and I put the question to the gentleman from Virginia:

If a lot of whereases setting forth the shortcomings of the Rules Committee is presented to that committee, will the gentleman give it exactly the same hearing and the same consideration he is giving this committee? I repeat, if another resolution to investigate the Rules Committee, setting out as the gentleman did in this case, shall be referred to his committee, will he give us the same sort of treatment that he gave here for the investigation of your committee?

Mr. SMITH of Virginia. Does the gentleman yield for a reply?

Mr. KELLER. Yes.

Mr. SMITH of Virginia. I am sure the Rules Committee would give a hearing and a very respectful hearing.

Mr. KELLER. The gentleman will give me a hearing, but will he give me the same sort of rule and the same sort of action?

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. PATRICK].

Mr. PATRICK. Mr. Speaker, I came over here this morning with the intention of voting for this measure, but as the discussion has developed we see in it a duplication of the activities of another committee of this House. It seems to me that this should be either an investigation of the Labor Committee or there should be no investigation at all. If we build up during the years a structure here, whereby we have certain groups in this body provided by the Ways and Means Committee to do a job, then cut into them with other parts of the organization or sweep over them afterward, we are being unfair to ourselves as a lawmaking body. The general principle here involved is too great to be sacrificed merely for the sake of this one investigation. When I see the destruction involved in this measure, as I do today, I shall be forced to vote against permitting such investigation as this.

[Here the gavel fell.]

Mr. SMITH of Virginia. Mr. Speaker, I yield 9 minutes to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Speaker, I dislike doing anything that may offend any one, particularly would I regret doing anything that would give offense to the Committee on Labor of this House. But, Mr. Speaker, if past experience is to indicate what may be expected in the future, and if we are to wait here until the Committee on Labor takes action to restrain the Labor Board in its maladministration of the law, then we will be here until Gabriel blows his horn.

The position taken by members of the Labor Committee and others to the effect that the work of this special committee, which the pending resolution proposes to set up, would be a duplication of the work of the Labor Committee is not sound, because the Labor Committee has no investigatory powers and subpena power. It has none of the powers which this resolution vests in the special committee which it is proposed to create.

Mr. Speaker, I have been of the opinion that the National Labor Relations Board, in its administration of the Wagner Act, was doing a terrible thing to the country, and I have said so. I have no desire to conceal the opinion that I hold with respect to the act itself. I think it is a vicious law that is wrapped up in high-sounding language to conceal its wicked intent. It is one-sided and has been administered in a one-sided way.

The Labor Board has construed it as a mandate to unionize industry and has missed no opportunity in the use of compulsion to bring this about. In its zeal to serve certain labor leaders and to direct the labor movement according to its own notion and its own social and economic theories, the Board has brought itself and the law into thorough disrepute, has sacrificed much public good will for the cause of organized labor, has failed utterly to achieve the avowed objective of the act, and has frustrated instead of carrying out the will of the majority in many cases involving thousands of workers. It has prevented collective bargaining and the democratic management of the affairs of the workers. Preaching economic democracy, the Board has moved steadily toward compulsory unionization in unions chosen by the Board.

You talk about the attitude of labor with respect to the pending resolution. Does not every Member of the House know that the American Federation of Labor is understood to favor this resolution? [Applause.]

Mr. KELLER. I challenge that statement.

Mr. COX. The first mistake that the Board made was in the selection of its personnel. It turned loose upon the country an army of wild young men who proceeded against employers as if their business was to destroy the institution of private property. It is humanly impossible for members of the Board to read the records of the cases which they decide or to write the opinions which they render. They are compelled to rely upon their employees chosen to do this work, and relying upon them, the Board has made a mess of things.

Mr. Speaker, throughout the Labor Relations Board's procedure, beginning when a labor organization files with the Board charges that an employer has engaged in unfair labor practices, and ending when the Board serves its decision and order upon the employer sustaining such charges, there are various points at which the Board's procedure violates those fundamental requirements of fairness which are the essence of due process in a proceeding of a judicial nature. The Board has abused the discretion vested in it. It has sought to terrorize business and to promote radical labor organizations.

Let me point out this fact. It is utterly impossible under our form of government for the Congress to enact legislation that is not susceptible to maladministration and distortion and misdirection if the will to maladminister, to distort, and to misdirect is present in the agency charged with the enforcement of these laws.

If representative government means anything under our Constitution, it means that every agency in the executive department of the Government shall endeavor honestly and earnestly to carry out the plain intent of the Congress. The Labor Board, however, has sought to carry the act further than Congress intended. It has flagrantly defied the courts and has consistently evinced bias and prejudice against persons and organizations of the general class to which employers belong. It has claimed the right to weigh evidence in the weighted scales of the Board's predilections and has departed from the standards of impartiality which the courts universally require of judges and jurors.

Mr. Speaker, this resolution asks for an investigation of the administration of the Labor Act by the Labor Board. The employers of the country believe they have been manhandled and otherwise maltreated, and millions of others believe the same thing. The truth, Mr. Speaker, ought to be established, and an investigation would do this. The country believes that the Board and its agents have shown bias and prejudice in all their proceedings and cannot be depended upon to do justice as between contending parties. The truth ought to be established, and an investigation would do this.

Mr. Speaker, the American people believe that the Board and its agents are functioning as organizing agents of the radical labor section of this country. The truth ought to be established, and an investigation would do this. The Board has lost all public confidence and should go, or be, by investigation or otherwise, reinstated in the public confidence. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired. All time has expired on the resolution.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

Mr. KELLER. Mr. Speaker, on that motion I demand the yeas and nays.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. If the previous question is voted down, will that open up the resolution to amendment?

The SPEAKER. Undoubtedly.

Mr. SMITH of Virginia. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Virginia. If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. KELLER]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

The SPEAKER. If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

Mr. SMITH of Virginia. That is what I understood to be the ruling of the Chair recently when the same situation arose.

The SPEAKER. That is the rule, as the Chair desires to announce.

The question is on the motion of the gentleman from Virginia to order the previous question, on which the gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 258, nays 131, not voting 39, as follows:

[Roll No. 137]

YEAS—258

Alexander	Dirksen	Johnson, Ind.	Rankin
Allen, Ill.	Disney	Johnson, Luther A.	Reed, Ill.
Allen, La.	Ditter	Jones, Ohio	Rees, Kans.
Andersen, H. Carl	Dondero	Jones, Tex.	Rich
Anderson, Calif.	Doughton	Kean	Risk
Anderson, Mo.	Douglas	Keefe	Robertson
Andresen, A. H.	Dowell	Kilday	Robsion, Ky.
Angell	Doxey	Kinzer	Rockefeller
Arends	Drewry	Kitchens	Rodgers, Pa.
Austin	Durham	Kleberg	Rogers, Mass.
Ball	Dworshak	Knutson	Routzohn
Barden	Eaton, N. J.	Kocialkowski	Rutherford
Barnes	Elliott	Kunkel	Ryan
Barry	Elston	Lambertson	Sandager
Barton	Engel	Lanham	Satterfield
Bates, Mass.	Englebright	Lea	Schaefer, Ill.
Beckworth	Faddis	LeCompte	Schafer, Wis.
Bell	Fenton	Lewis, Colo.	Schiffler
Bender	Fish	Lewis, Ohio	Scrugham
Blackney	Folger	Luce	Seccombe
Bland	Ford, Leland M.	McDowell	Seger
Boehne	Gamble	McGehee	Shafer, Mich.
Bolles	Garrett	McLaughlin	Sheppard
Bolton	Gartner	McLean	Short
Boykin	Gathings	McLeod	Simpson
Bradley, Mich.	Gearhart	McMillan, John L.	Smith, Va.
Brooks	Gerlach	McMillan, Thos. S.	South
Brown, Ga.	Gibbs	Maas	Sparkman
Brown, Ohio	Gilchrist	Maciejewski	Springer
Buck	Gillie	Mahon	Starnes, Ala.
Bulwinkle	Gore	Maloney	Steagall
Burch	Gossett	Mansfield	Stearns, N. H.
Burgin	Graham	Mapes	Stefan
Byrns, Tenn.	Grant, Ala.	Marshall	Sumner, Ill.
Cannon, Fla.	Grant, Ind.	Martin, Ill.	Sutphin
Carlson	Gregory	Martin, Iowa	Taber
Carter	Griffith	Martin, Mass.	Talle
Cartwright	Gross	Mason	Tarver
Case, S. Dak.	Guyer, Kans.	Michener	Taylor, Tenn.
Chandler	Gwynne	Miller	Terry
Chapman	Hall	Mills, Ark.	Thill
Chiperfield	Halleck	Mills, La.	Thorkelson
Church	Hancock	Monkiewicz	Tibbott
Clark	Harness	Monroney	Tinkham
Clason	Harrington	Moser	Treadway
Clevenger	Harter, N. Y.	Mott	Van Zandt
Cluett	Hartley	Mouton	Vinson, Ga.
Coffee, Nebr.	Hawks	Mundt	Vorys, Ohio
Cole, Md.	Heinke	Murray	Vreeland
Cole, N. Y.	Hendricks	Nichols	Wadsworth
Collins	Hess	O'Brien	Warren
Colmer	Hinshaw	O'Neal	West
Cooper	Hobbs	Osmers	Wheat
Corbett	Hoffman	Pace	Whelchel
Costello	Holmes	Patton	White, Ohio
Courtney	Hope	Pearson	Whittington
Cox	Horton	Peterson, Fla.	Wigglesworth
Crawford	Jarman	Peterson, Ga.	Williams, Del.
Crowther	Jarrett	Pierce, N. Y.	Winter
Culkin	Jeffries	Pierce, Oreg.	Wolcott
Curtis	Jenkins, Ohio	Pittenger	Woodruff, Mich.
Darden	Jenks, N. H.	Plumley	Woodrum, Va.
Darrow	Jensen	Poage	Youngdahl
Dempsey	Johns	Polk	
DeRouen	Johnson, Ill.	Powers	

NAYS—131

Allen, Pa.	Flannery	Lesinski	Sabath
Arnold	Ford, Thomas F.	Ludlow	Sacks
Ashbrook	Fries	McAndrews	Sasscer
Bates, Ky.	Fulmer	McArdle	Schuetz
Beam	Gavagan	McCormack	Schulte
Bloom	Gehrmann	McGranery	Shanley
Boland	Geyer, Calif.	McKeough	Shannon
Bradley, Pa.	Green	Marcantonio	Sirovich
Brewster	Hare	Martin, Colo.	Smith, Conn.
Bryson	Hart	May	Smith, Ill.
Burdick	Harter, Ohio	Merritt	Smith, Maine
Cannon, Mo.	Havenner	Mitchell	Smith, Wash.
Casey, Mass.	Healey	Murdock, Ariz.	Snyder
Celler	Hill	Murdock, Utah	Somers, N. Y.
Claypool	Hook	Myers	Spence
Cochran	Houston	Nelson	Sweeney
Coffee, Wash.	Hull	Norrell	Tenerowicz
Creal	Hunter	Norton	Thomas, Tex.
Crosser	Izac	O'Connor	Thomason
Crowe	Jacobsen	O'Day	Tolan
Cullen	Johnson, W. Va.	O'Leary	Vincent, Ky.
D'Alesandro	Kee	Oliver	Voorhis, Calif.
Delaney	Keller	O'Toole	Wallgren
Dickstein	Kennedy, Martin	Parsons	Walter
Dingell	Kennedy, Md.	Patrick	Ward
Duncan	Kennedy, Michael	Pfeifer	Weaver
Dunn	Keogh	Rabaut	Welch
Eberharter	Kirwan	Ramspeck	White, Idaho
Edmiston	Kramer	Randolph	Williams, Mo.
Ellis	Landis	Richards	Wolverton, N. J.
Fay	Larrabee	Robinson, Utah	Wood
Flaherty	Leavy	Rogers, Okla.	Zimmerman
Flannagan	Lemke	Romjue	

NOT VOTING—39

Andrews	Curley	Johnson, Lyndon	Schwert
Boren	Dies	Johnson, Okla.	Secrest
Buckler, Minn.	Eaton, Calif.	Kelly	Smith, Ohio
Buckley, N. Y.	Evans	Kerr	Smith, W. Va.
Byrne, N. Y.	Ferguson	Magnuson	Sullivan
Byron	Fernandez	Massingale	Sumners, Tex.
Caldwell	Fitzpatrick	Patman	Taylor, Colo.
Connery	Ford, Miss.	Rayburn	Thomas, N. J.
Cooley	Gifford	Reece, Tenn.	Wolfenden, Pa.
Cummings	Hennings	Reed, N. Y.	

So, the previous question was ordered.

The Clerk announced the following pairs:

On the vote:

Mr. Reed of New York (for) with Mr. Magnuson (against).
Mr. Kerr (for) with Mr. Sullivan (against).
Mr. Thomas of New Jersey (for) with Mr. Evans (against).
Mr. Ford of Mississippi (for) with Mr. Schwert (against).
Mr. Wolfenden of Pennsylvania (for) with Mr. Buckley of New York (against).
Mr. Andrews (for) with Mr. Curley (against).
Mr. Byron (for) with Mr. Fitzpatrick (against).

Until further notice:

Mr. Cooley with Mr. Gifford.
Mr. Johnson of Oklahoma with Mr. Smith of Ohio.
Mr. Caldwell with Mr. Reece of Tennessee.
Mr. Rayburn with Mr. Eaton of California.
Mr. Patman with Mr. Buckler of Minnesota.
Mr. Lyndon B. Johnson with Mr. Secrest.
Mr. Sumners of Texas with Mr. Boren.
Mr. Taylor of Colorado with Mr. Massingale.
Mr. Cummings with Mr. Kelly.
Mr. Dies with Mr. Ferguson.
Mr. Fernandez with Mr. Hennings.
Mr. Byrne of New York with Mr. Connery.

Mr. CALDWELL. Mr. Speaker, I cannot qualify on this vote.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mrs. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 254, nays 134, not voting 39, as follows:

[Roll No. 138]

YEAS—254

Allen, Ill.	Austin	Bender	Brooks
Allen, La.	Ball	Blackney	Brown, Ga.
Andersen, H. Carl	Barden	Bland	Brown, Ohio
Anderson, Calif.	Barnes	Boehne	Buck
Anderson, Mo.	Barry	Bolles	Bulwinkle
Andresen, A. H.	Bates, Mass.	Bolton	Burch
Angell	Beckworth	Boykin	Burgin
Arends	Bell	Bradley, Mich.	Byrns, Tenn.

Caldwell	Gearhart	LeCompte	Rogers, Mass.
Cannon, Fla.	Gerlach	Lewis, Colo.	Routzohn
Carlson	Gibbs	Lewis, Ohio	Rutherford
Carter	Gilchrist	Luce	Ryan
Cartwright	Gillie	McDowell	Sandager
Case, S. Dak.	Gore	McGehee	Satterfield
Chapman	Gossett	McLaughlin	Schaefer, Ill.
Chiperfield	Graham	McLean	Schafer, Wis.
Church	Grant, Ala.	McLeod	Schiffler
Clark	Grant, Ind.	McMillan, John L.	Seccombe
Clason	Gregory	McMillan, Thos. S.	Seger
Clevenger	Griffith	Maas	Shafer, Mich.
Cluett	Gross	Mahon	Sheppard
Coffee, Nebr.	Guyer, Kans.	Maloney	Short
Cole, N. Y.	Gwynne	Mapes	Simpson
Collins	Hall	Marshall	Smith, Va.
Colmer	Halleck	Martin, Iowa	South
Cooper	Hancock	Martin, Mass.	Sparkman
Corbett	Harness	Mason	Springer
Costello	Harrington	Michener	Starnes, Ala.
Courtney	Harter, N. Y.	Miller	Steagall
Cox	Hartley	Mills, Ark.	Stearns, N. H.
Crawford	Hawks	Mills, La.	Stefan
Crowther	Heinke	Monkiewicz	Sumner, Ill.
Culkin	Hendricks	Monroney	Sutphin
Curtis	Hess	Moser	Taber
Darden	Hinshaw	Mott	Talle
Darrow	Hobbs	Mouton	Tarver
Dempsey	Hoffman	Mundt	Taylor, Tenn.
DeRouen	Holmes	Murray	Terry
Dirksen	Hope	Nichols	Thill
Disney	Horton	O'Brien	Thomas, N. J.
Ditter	Jarman	O'Neal	Thorkelson
Dondero	Jarrett	Osmers	Tibbott
Doughton	Jeffries	Pace	Tinkham
Douglas	Jenkins, Ohio	Patton	Treadway
Dowell	Jenks, N. H.	Pearson	Van Zandt
Doxey	Jensen	Peterson, Fla.	Vinson, Ga.
Drewry	Johns	Peterson, Ga.	Vorys, Ohio
Durham	Johnson, Ill.	Pierce, N. Y.	Vreeland
Dworshak	Johnson, Ind.	Pierce, Oreg.	Wadsworth
Eaton, N. J.	Johnson, Luther A.	Pittenger	Warren
Elliott	Jones, Ohio	Plumley	West
Elston	Kean	Poage	Wheat
Engel	Keefe	Polk	Whelchel
Englebright	Keogh	Powers	White, Ohio
Faddis	Kilday	Rankin	Whittington
Fenton	Kinzer	Reece, Tenn.	Wigglesworth
Fish	Kitchens	Reed, Ill.	Williams, Del.
Folger	Kleberg	Rees, Kans.	Winter
Ford, Leland M.	Knutson	Rich	Wolcott
Fulmer	Kocialkowski	Risk	Woodruff, Mich.
Gamble	Kunkel	Robertson	Woodrum, Va.
Garrett	Lambertson	Robsion, Ky.	Youngdahl
Gartner	Lanham	Rockefeller	
Gathings	Lea	Rodgers, Pa.	

NAYS—134

Allen, Pa.	Flannery	McAndrews	Sabath
Arnold	Ford, Thomas F.	McArdle	Sacks
Ashbrook	Fries	McCormack	Sasscer
Barton	Gavagan	McGranery	Schuetz
Bates, Ky.	Gehrmann	McKeough	Schulte
Beam	Geyer, Calif.	Maciejewski	Scrugham
Bloom	Green	Marcantonio	Shanley
Boland	Hare	Martin, Colo.	Shannon
Bradley, Pa.	Hart	Martin, Ill.	Sirovich
Brewster	Harter, Ohio	May	Smith, Conn.
Bryson	Havenner	Merritt	Smith, Ill.
Burdick	Healey	Mitchell	Smith, Maine
Cannon, Mo.	Hennings	Murdock, Ariz.	Smith, Wash.
Celler	Hill	Murdock, Utah	Snyder
Claypool	Hook	Myers	Somers, N. Y.
Cochran	Houston	Nelson	Sweeney
Coffee, Wash.	Hunter	Norrell	Tenerowicz
Cole, Md.	Izac	Norton	Thomas, Tex.
Creal	Jacobsen	O'Connor	Thomason
Crosser	Johnson, W. Va.	O'Day	Tolan
Crowe	Jones, Tex.	O'Leary	Vincent, Ky.
Cullen	Kee	Oliver	Voorhis, Calif.
D'Alesandro	Keller	O'Toole	Wallgren
Delaney	Kennedy, Martin	Parsons	Walter
Dickstein	Kennedy, Md.	Patrick	Ward
Dingell	Kennedy, Michael	Pfeifer	Weaver
Duncan	Kirwan	Rabaut	Welch
Dunn	Kramer	Ramspeck	White, Idaho
Eberharter	Landis	Randolph	Williams, Mo.
Edmiston	Larrabee	Rayburn	Wolverton, N. J.
Ellis	Leavy	Richards	Wood
Fay	Lemke	Robinson, Utah	Zimmerman
Flaherty	Lesinski	Rogers, Okla.	
Flannagan	Ludlow	Romjue	

NOT VOTING—39

Alexander	Casey, Mass.	Eaton, Calif.	Hull
Andrews	Chandler	Evans	Johnson, Lyndon
Boren	Connery	Ferguson	Johnson, Okla.
Buckler, Minn.	Cooley	Fernandez	Kelly
Buckley, N. Y.	Cummings	Fitzpatrick	Kerr
Byrne, N. Y.	Curley	Ford, Miss.	Mansfield
Byron	Dies	Gifford	Massingale
Patman	Secrest	Spence	Taylor, Colo.
Reed, N. Y.	Smith, Ohio	Sullivan	Wolfenden, Pa.
Schwert	Smith, W. Va.	Sumners, Tex.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Reed of New York (for) with Mr. Magnuson (against).
Mr. Kerr (for) with Mr. Sullivan (against).
Mr. Gifford (for) with Mr. Evans (against).
Mr. Ford of Mississippi (for) with Mr. Schwert (against).
Mr. Wolfenden of Pennsylvania (for) with Mr. Buckley of New York (against).
Mr. Andrews (for) with Mr. Curley (against).
Mr. Byron (for) with Mr. Fitzpatrick (against).

Until further notice:

Mr. Cooley with Mr. Alexander.
Mr. Johnson of Oklahoma with Mr. Smith of Ohio.
Mr. Patman with Mr. Buckler of Minnesota.
Mr. Mansfield with Mr. Reece of Tennessee.
Mr. Chandler with Mr. Eaton of California.
Mr. Casey of Massachusetts with Mr. Hull.
Mr. Lyndon B. Johnson with Mr. Secrest.
Mr. Sumners of Texas with Mr. Boren.
Mr. Taylor of Colorado with Mr. Massingale.
Mr. Cummings with Mr. Kelly.
Mr. Dies with Mr. Ferguson.
Mr. Fernandez with Mr. Spence.
Mr. Byrne of New York with Mr. Connery.

The result of the vote was announced as above recorded.

Mr. SMITH of Virginia. Mr. Speaker, I move to reconsider the vote by which the resolution was agreed to and lay that motion on the table.

The SPEAKER pro tempore (Mr. RICHARDS). Without objection, a motion to reconsider will be laid on the table.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent——

Mr. PARSONS. Mr. Speaker, I object, and ask for the yeas and nays on the motion to reconsider.

Mr. SMITH of Virginia. Mr. Speaker, I make the point of order that the motion comes too late, as I had already proceeded with a unanimous-consent request.

Mr. PARSONS. I was on my feet objecting, Mr. Speaker.

Mr. SMITH of Virginia. I had already proceeded with a unanimous-consent request, and may I state that request, Mr. Speaker?

Mr. PARSONS. Mr. Speaker, I was on my feet trying to get the attention of the Chair.

The SPEAKER pro tempore. Does the gentleman from Illinois insist on his request for the yeas and nays?

Mr. MARTIN of Massachusetts. Mr. Speaker, the motion has already been carried and the gentleman from Virginia had been recognized to make another request. I demand the regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair will state to the distinguished minority leader that the gentleman from Illinois was on his feet at the time.

The gentleman from Illinois [Mr. PARSONS] demands the yeas and nays.

Mr. MARTIN of Massachusetts. Mr. Speaker, I demand we find out what the record shows.

Mr. PARSONS. The gentleman saw me running down the aisle; and I was trying to get the attention of the Chair to object, and I did object.

The SPEAKER pro tempore. The gentleman from Illinois was on his feet at the time.

The gentleman from Illinois demands the yeas and nays on the motion to lay on the table a motion to reconsider.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—ayes 118, noes 53.

So the motion was agreed to.

Mr. PARSONS and Mr. MARCANTONIO objected to the vote on the ground there was not a quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty-one Members are present, a quorum.

So a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. EBERHARTER. Mr. Speaker, I demand the yeas and nays.

Mr. MARTIN of Massachusetts. Mr. Speaker, the demand comes too late.

The SPEAKER. The Chair is advised that on the previous demand for the yeas and nays, the yeas and nays were refused, and the request of the gentleman from Pennsylvania is not now in order.

GENERAL LEAVE TO PRINT

Mr. SMITH of Virginia rose.

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SMITH of Virginia. To propound a unanimous-consent request.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on the resolution just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address made by myself on the subject of neutrality.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial.

The SPEAKER. Is there objection?

There was no objection.

PERSONAL EXPLANATION

Mr. H. CARL ANDERSEN. Mr. Speaker, my colleague from Minnesota [Mr. ALEXANDER] was unavoidably detained on official business during the preceding vote. Had he been present he would have voted "aye" on the resolution.

EXTENSION OF REMARKS

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a statement by Dr. A. B. Cox, the cotton economist of the University of Texas.

The SPEAKER. Is there objection?

There was no objection.

EMIGRATION OF FILIPINOS FROM THE UNITED STATES

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4646, to provide means by which certain Filipinos can emigrate from the United States, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 4646, with Senate amendments thereto, and concur in the Senate amendments. The Clerk will report the Senate amendments.

The Clerk read as follows:

Page 2, line 5, after "States," insert "or in the case of a Filipino residing in Hawaii, to a port in that Territory."

Page 2, line 16, after "States", insert "or, in the cases of residents of Hawaii, to a port in that Territory,"

Page 3, line 3, after "States", insert "and in Hawaii."

Page 3, lines 8 and 9, strike out "any port on the west coast of the United States" and insert "the port of embarkation in the United States or Hawaii."

Page 4, lines 5 and 6, strike out "the United States, its Territories or possessions" and insert "any State or Territory or the District of Columbia."

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. JENKINS of Ohio. Mr. Speaker, I reserve the right to object, to ask the gentleman from New York whether he has submitted this matter to the other members of his committee?

Mr. DICKSTEIN. Mr. Speaker, I have talked to my committee. There is nothing wrong about the amendments themselves. Under the bill as passed in the House we provide that Filipinos who desire to return back to the Philippine Islands should be enabled to do so by the Government paying their expense, if they are stranded. We are trying to send them home, and the amendments simply add that this same privilege be granted to Filipinos who are stranded in the Hawaiian Islands.

Mr. JENKINS of Ohio. I am not concerned with that. I understand this bill comes back from the Senate with certain amendments, and I am endeavoring to determine whether those amendments should be considered by the gentleman's committee.

Mr. DICKSTEIN. They are minor amendments, which add to the bill the Filipinos in the Hawaiian Islands. That is all there is to it. I have talked to my committee.

Mr. JENKINS of Ohio. Under my reservation I should like to inquire of the ranking member on the minority side and learn what he thinks about this.

Mr. TAYLOR of Tennessee. Mr. Speaker, these Senate amendments have not been submitted to the committee.

Mr. DICKSTEIN. I agree with the gentleman; but they are all minor amendments. They simply provide for including the Hawaiian Islands, which we did not include in the original bill. There are some Filipinos who are stranded in Hawaii, and the Hawaiian Commissioner came before the committee and asked that those Filipinos who were stranded there be permitted to go back to the Philippine Islands, and these amendments so provide. That is all there is to it.

Mr. JENKINS of Ohio. Mr. Speaker, I shall be forced to object until we have had further time to consider the matter. The gentleman may bring the matter up later today.

The SPEAKER. Objection is heard.

PERNICIOUS POLITICAL ACTIVITIES

Mr. DEMPSEY. Mr. Speaker, I call up House Resolution 251, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 251

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1871, an act to prevent pernicious political activities. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. PARSONS rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. PARSONS. To make a point of order. Since this House is about to witness the demise of the political parties in this country, I think a quorum should be present at the embalming. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and eleven Members present, not a quorum.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair cannot recognize any Member for any purpose in the absence of a quorum except to move a call of the House.

Mr. DEMPSEY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 139]

Allen, Ill.	Byrne, N. Y.	Cooley	Evans
Andrews	Byron	Cummings	Ferguson
Boren	Casey, Mass.	Curley	Fernandez
Buckler, Minn.	Clevenger	Dies	Fitzpatrick
Buckley, N. Y.	Connery	Eaton, Calif.	Ford, Miss.

Ford, Thomas F.	Magnuson	Rockefeller	Sullivan
Gifford	Marshall	Schwert	Sumners, Tex.
Jeffries	Massingale	Secrest	Vinson, Ga.
Kelly	Patman	Seger	Wolfenden, Pa.
Kerr	Reece, Tenn.	Smith, Ohio	
Maas	Reed, N. Y.	Smith, W. Va.	

The SPEAKER. On this roll call 386 Members have answered to their names; a quorum is present.

Without objection, further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from New Mexico [Mr. DEMPSEY] is recognized for 1 hour.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. COCHRAN. I ask unanimous consent to extend the remarks I made this morning, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the adoption of this resolution makes in order the bill S. 1871, the much-discussed Hatch bill. I suppose there never has been another measure which has come to this floor with its real intents and purposes so generally misunderstood. I shall be charitable and not say "misrepresented." I will say "misunderstood."

In the first place, as I have discussed the bill with the various Members, there is scarcely one who has not said "I am in complete accord with doing the things which the measure seeks to do."

The first section of the bill, if you please, prohibits the coercion of any person in order to obtain votes or restrict the full right of free franchise. That is the purpose of the section as it left the Senate; it is the purpose of the section as it comes out of the Committee on the Judiciary.

Section 2 of the bill provides that certain employees working for and being paid by the Federal Government, from funds derived from the taxpayers, cannot spend their time in political campaigns and managing campaigns for Members of the House and Senate, the President of the United States, or other elective officials. That section as it left the Senate, I believe, was a very good one. However, in the Judiciary Committee of the House it was very carefully and adroitly amended. The committee amendment, if permitted to remain in this bill, nullifies the entire measure. That amendment provides "that nothing herein shall be deemed to affect the right of any such person to state his preference with respect to any such candidate or"—get this, if you please—"or participate in the activities of a political party."

I submit, Mr. Speaker, that many times there have been references to politics reaching the gutter. Well, the gutter would be the ceiling of politics with certain politicians if this amendment remains in this bill, in my opinion.

Mr. CELLER. Mr. Speaker, will the gentleman yield briefly for a question?

Mr. DEMPSEY. I will, but it must be brief.

Mr. CELLER. The Judiciary Committee inserted those words because it would then conform with civil-service rule No. 1 of section No. 1.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I yield.

Mr. McLAUGHLIN. I desire to state that the amendment which the gentleman has discussed was not agreed to by all of the members of the Judiciary Committee.

Mr. MICHENER. No. You and I did not agree to it.

Mr. McLAUGHLIN. That is correct.

Mr. DEMPSEY. I am sure the membership of this House does not wish to give the green signal to every employee in the Federal Government and have some of the politicians of a type that we all know go to them with this legislation and say, "Here is what has been passed in the Congress of the United States. Here is an order for you to go ahead and strut your stuff for this or that party."

Now, there is no partisanship in connection with this legislation. Although this bill bears the name of the senior Senator from New Mexico, Senator HATCH, it was sponsored by the senior Senator from Texas [Mr. SHEPPARD] and the Senator from Vermont [Mr. AUSTIN]. Many of the provisions of the bill grew out of the investigation that they made into political activities in the recent campaign.

I submit to you that if that provision, which was so cleverly placed in this bill in committee, is not stricken out there is nothing of importance left in the bill.

[Here the gavel fell.]

Mr. DEMPSEY. Mr. Speaker, I yield myself 5 additional minutes.

Mr. LESINSKI. Mr. Speaker, I make the point of order that a quorum is not present. This is an important matter and we should have a quorum here.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-three Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 140]

Andrews	Dies	Lea	Schwert
Bates, Ky.	Dingell	Lemke	Secrest
Bland	Eaton, Calif.	McLaughlin	Seger
Boehne	Evans	Magnuson	Smith, Ohio
Boren	Ferguson	Massingale	Smith, W. Va.
Buckler, Minn.	Fernandez	Mott	Stefan
Buckley, N. Y.	Fitzpatrick	Norton	Sullivan
Byrne, N. Y.	Flannagan	O'Day	Sumners, Tex.
Carter	Folger	Osmers	Thill
Case, S. Dak.	Ford, Miss.	Patman	Vinson, Ga.
Clark	Gifford	Patton	Vorys, Ohio
Connery	Harrington	Pierce, Oreg.	Wadsworth
Cooley	Healey	Reed, Ill.	West
Culkin	Hendricks	Reed, N. Y.	White, Idaho
Cummings	Kelly	Routzohn	Wolfenden, Pa.
Curley	Kerr	Schulte	

The SPEAKER. On this roll call 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The gentleman from New Mexico [Mr. DEMPSEY] is recognized for 5 additional minutes.

Mr. DEMPSEY. Mr. Speaker, other controversial parts of this bill are sections 5 and 9. Notwithstanding the fact that the work-relief appropriation bill passed by this House on June 30 provided that none of the moneys could be used for political contributions, the Judiciary Committee has seen fit so to amend this bill as to prohibit solicitation of a certified relief worker, but to permit the solicitation of anybody above a certified worker. Anybody above this grade, therefore, can be chiseled out of whatever funds politicians can get out of him. This amendment certainly should not stay in the bill.

Section 9 is most confusing. When section 9 of the bill is reached as the bill is read for amendment, I propose to offer a motion to strike out the entire section and to substitute in lieu thereof the amendment I placed in the RECORD last Monday.

Mr. Speaker, the gentleman from Tennessee [Mr. TAYLOR] has yielded back to me his 30 minutes. I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—ayes 175, noes 6.

Mr. PARSONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-three Members are present, a quorum.

So the previous question was ordered.

Mr. LESINSKI. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. LESINSKI) there were—ayes 9, noes 195.

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will count once more. [After counting.] Two hundred and forty-two Members are present, a quorum.

So the House refused to adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—ayes 203, noes 11.

So, the resolution was agreed to.

By unanimous consent, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1871) to prevent pernicious political activities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 1871) with Mr. BUCK in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

Mr. PARSONS. Mr. Chairman, I object.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives at any election held solely or in part for the purpose of selecting a President, a Vice President, a Presidential elector, or any Member of the Senate or any Member of the House of Representatives.

SEC. 2. It shall be unlawful for any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), to use his official authority for the purpose of interfering with, or affecting the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives: *Provided*, That nothing herein shall be deemed to affect the right of any such person to state his preference with respect to any such candidates or to vote as he may choose.

SEC. 3. It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by any act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

SEC. 4. Except as may be required by the provisions of subsection (b), section 9 of this act, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit provided for or made possible by any act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

SEC. 5. It shall be unlawful for any person to solicit, or be in any manner concerned in soliciting, any assessment, subscription, or contribution for any political purpose whatever from any person known by him to be entitled to or receiving compensation, employment, or other benefit provided for or made possible by any act of Congress appropriating funds for work relief or relief purposes.

SEC. 6. It shall be unlawful for any person to furnish or to disclose, or to aid or assist in furnishing or disclosing, any list or names of persons receiving compensation, employment, or benefits provided for or made possible by any act of Congress appropriating, or authorizing the appropriation of, funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

SEC. 7. No part of any appropriation made by any act, heretofore or hereafter enacted, making appropriations for work relief, relief, or otherwise to increase employment by providing loans and grants for public-works projects, shall be used for the purpose of, and no authority conferred by any such act upon any person shall be exercised or administered for the purpose of, interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election.

SEC. 8. Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a felony and upon conviction shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

SEC. 9. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any act of Congress, to use his official authority or influence for the purpose of interfering with an election or of affecting the results thereof. All such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, but they shall take no active part in political management or in political campaigns.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the compensation of such person.

SEC. 10. All provisions of this act shall be in addition to, not in substitution for, any other sections of existing law or of this act.

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

The CHAIRMAN. Under the rule the gentleman from New York [Mr. CELLER] is recognized for 1 hour, and the gentleman from Kansas [Mr. GUYER] is recognized for 1 hour.

Mr. CELLER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I believe it was Jefferson who said:

If I were given a choice of government without newspapers, or newspapers without government, I would choose the latter.

It is because I have and share the high regard for newspapers that Jefferson had that I make the following statement.

In last night's Scripps-Howard papers—and the reporters in the gallery are listening—we find this:

Washington correspondents of the World-Telegram—

That is a paper published in my city—

together with the correspondents of other Scripps-Howard newspapers, will undertake tomorrow to make a record of votes on the Hatch bill.

Those votes would not otherwise be known to the public. For they will be taken by what is called the "teller system," that being a trick procedure by which the House of Representatives decides questions without the individual Members getting their names in the RECORD.

It will be our job to try to write down their names as they march up the aisle. It won't be easy, for a "teller" vote is concluded in 10 or 15 minutes, which is not much time for identifying some four-hundred-odd Congressmen, especially from the bird's-eye view of the men in the press gallery, where the bald heads look pretty much alike.

Let us analyze this a moment. The teller rule for taking votes has been in vogue in this House for over 150 years. I know of no occasion when newspapermen or anybody else charged Members of the House of Representatives with knavery and trickery, because they used the teller vote. Examine Jefferson's Manual, and you will find the provision for the teller vote which was adopted in this House in 1789. Is it not passingly strange that teller voting has been used for 149 years, and no complaint has ever been heard concerning it? Many important matters have been decided for over 100 years by this method. There is nothing secret about a teller vote. It is the only practical vote short of the lengthy, time-consuming aye-and-nay vote.

The Scripps-Howard papers have always been fair. They have rendered a genuine public service, in general, for many years. But in this instance they have suffered a lapse from grace.

Personally, it makes no difference to me as far as my district is concerned. My election does not depend upon Federal patronage job holders. But I believe the bill hurts my party. It goes too far. I worked ardously with my colleague on the Judiciary Committee to bring out a reasonable, sensible, workable bill. There was no partisanship in the committee. Both the Democrats and Republicans on the

committee fashioned this bill and are offering it today. No one can claim authorship separately or individually.

Mr. THOMAS F. FORD. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from California.

Mr. THOMAS F. FORD. I want to say to the gentleman that I am going to vote against this bill and the reporters may save their time and not bother with me, because I am going through the tellers and vote against it every time I have an opportunity.

Mr. FISH. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. FISH. Is it not a fact that the teller vote was put into effect in order to expedite voting and not to cover up the votes of the individual Members?

Mr. CELLER. I think the teller vote is a natural consequence of our work here. It is a logical method of voting. I believe it expedites business and prevents long, arduous roll calls. It was and is not used to hide or disguise voting or voters.

Mr. FISH. It was not for the purpose of covering up a roll-call vote. Does the gentleman object to anybody knowing how he votes?

Mr. CELLER. I think the gentleman is correct. It was not to cover up anything. And I do not object to publicity as to my voting.

Mr. Chairman, as far as the Judiciary Committee is concerned, we labored long and arduously on this bill. We had a rather peculiar bill from the Senate and we tried to straighten it out. It was a hard job, but I believe we have done a good job and I hope the Members of the House will give us credit for having done a good job.

We acted judiciously and there was not a bit of partisanship in the deliberations of that committee so far as this bill is concerned. I may say now that Members on both sides of the aisle, Republicans and Democrats alike, offered amendments which are part of the bill that we present to the House today. I hope the Republican members of the committee will verify what I am saying with reference to the nonpartisanship of our deliberations and the work we did with reference to the bill.

Mr. Chairman, just because there were certain relief scandals—shall we say in Kentucky, or shall we say in New Mexico—is that any reason for casting a shadow over the political relief activity in all States? I think not. Bad cases often make bad law, and we, the members of the Judiciary Committee, despite the bad cases in those two States, do not want to be guilty of making bad law here. It is for these reasons that we brought in the present bill. We believe it is a good bill; that is, with our committee amendments.

In my opinion it would have been far better if the Senate and the House had limited themselves to enacting measures againt pernicious political activities that might animate those in the relief agencies. It would have been better if we had limited ourselves to a bill which would have protected the relief workers and those on home relief. We did our best in that regard, and I direct your attention to section 5 of the bill which refers to relief workers and those on relief. That section was far weaker when we received the bill from the Senate than it is in the form you have before you. As the bill came from the Senate only "solicitation" of funds from those on relief was banned. We went further than that in order to protect relief workers and those on relief.

We put the "receiving" of funds, either in relief organizations or outside the relief organizations, under the ban. So that if Mr. Hamilton, Mr. Farley, or their cohorts or assistants receive a farthing from any relief worker they would be guilty of a violation of this act.

We went very far in that regard with a view primarily to protect to the *n*th degree all those on relief. But there was no need to protect those who received high salaries, that is, those in the supervisory and administrative groups of the P. W. A. or W. P. A. They could protect themselves. If they care to make a contribution they may do so. There cannot be coercion, but there might be a contribution. So that if Colonel Harrington or Aubrey Williams or Colonel Summerville, want to make a contribution, either to the Republicans or to the Democrats, they may do so, and we may feel it is proper to allow them to do that. They are not on relief and are well able to care for themselves.

Mr. O'TOOLE. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. O'TOOLE. Does the gentleman believe there is a Member in this House today who at some time or other has not in lofty tones stated to an audience that it is the duty of every American citizen to engage in politics?

Mr. CELLER. I agree with the gentleman. I have often heard that and I probably have been guilty of making that statement myself.

Mr. Chairman, section 9 is a pivotal section, particularly the second part. I want you to mark this carefully, because it is very important. On page 5, beginning with line 1, we find the following language, as the bill came to us from the Senate:

> All such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, but they shall take no active part in political management or in political campaigns.

I maintain, Mr. Chairman, that goes entirely too far. You could never enforce a provision of that sort. You would have a repetition of the old prohibition days—political bootlegging.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield myself 5 additional minutes.

Fifty Members of the Congress came to the House at the time they were United States attorneys, marshals, or holding a Federal office. They could not have come to the Congress if those sections were in effect, because they would have been an officeholder, and they could not have taken part in a political campaign.

Furthermore, Vice President Garner under the second part of section 9 (a) and under section 2 could not run again for the office of Vice President. He could not participate in any campaign while he holds office. Mayhap President Roosevelt could not attend the next Democratic convention if those provisions remain as they came from the Senate. No member of the Cabinet could make a political speech. No member of the Cabinet could help shape party doctrine, yet ours is a party system. Somebody must appear on the radio and on the public platform to help create the party platforms and direct party policies. It is only due to our bipartisan system that we have been enabled to make the progress we have been making all these years, one party checking upon the other. These sections fly in the face of those theories and would make impossible, utterly impossible, the appearance before the public on the radio or on the platform of anyone who has a semblance of public office, to anonunce what he thinks should be the principles and the practices of a party.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. HEALEY. May I ask the gentleman if we have the power either to confer on or withhold from any person the right to vote as he chooses?

Mr. CELLER. We never had that right, and for that reason we struck out this language. It was surplusage. It is ridiculous to put language of that character into any solemn statute we may pass.

Mr. BEAM. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. BEAM. Is it not rather inconsistent, too, because under the limitation on our power of legislative enactment we can prescribe only limitations on a Federal election? The proposition that concerns me is that these same Federal workers may engage actively and politically in any way they want in any local legislative or municipal campaign. Therefore, the inconsistency and the absurdity of this provision is apparent to me or to anyone here.

Mr. CELLER. The gentleman is correct. This bill applies heavier burdens upon those persons in the nonclassified

service than are applied to workers in the classified service. If I had time I would read you the rules and regulations of the Civil Service Commission, and you would find that there is no prohibition against anyone, I do not care where he is or what he is in the civil service, contributing to political parties. Yet there is language in this act as it came from the Senate that would preclude anyone in the nonclassified service from participating in political management or political campaigns by the contributing of a half a farthing to any political party or candidate. I say that is wrong, that is ridiculous.

Mr. NICHOLS and Mr. DEMPSEY rose.

Mr. CELLER. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. I take it from the gentleman's statement that he was about to say he would probably approve the so-called Dempsey amendment to section 9. Am I correct?

Mr. CELLER. I do not favor the Dempsey amendment to section 9. I am speaking now of the bill as it came to us from the Senate.

Mr. NICHOLS. Perhaps I misunderstood the gentleman, but my interpretation of what the gentleman said was that he did not agree with the language of section 9 as it is in the present bill.

Mr. CELLER. I meant as the bill came from the Senate. I agree with the language of section 9 with lines 1, 2, 3, and 4 stricken out on page 5, as we have the bill before us.

Mr. NICHOLS. Yes; with the amendment that is already in there.

Mr. CELLER. That is correct. [Applause.]

The Republicans seem to assume a "holier than thou" attitude. The Republicans seem to be a sort of St. George fighting dragons. I remind them that they perhaps have clearly in mind that they have easier sources of campaign funds than we Democrats. Any deficit they have can easily be made up by a mere plea to a Morgan, a Rockefeller, a Grundy, and others whom Theodore Roosevelt used to call malefactors of great wealth.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a very brief question?

Mr. TAYLOR of Tennessee. I would rather yield at the conclusion of my statement.

Mr. Chairman, as the member of the Rules Committee to whom had been assigned the time on the rule allocated to the minority, I gladly waived this time to expedite the cons'deration of this bill in order to circumvent the filibuster which has been in progress during the afternoon by enemies of this legislation.

Mr. Chairman, I strongly favor this legislation, but the bill, as it came from the Judiciary Committee of the House, must be amended if the law is to be really effective.

This measure, commonly known as the Hatch bill, is an outgrowth of the scandalous political manipulations of Federal relief appropriations, as well as intimidation of relief workers during the primary and general elections of 1936 and 1938, as revealed by the Sheppard investigating committee of the Senate.

No patriotic American can read this report, detailing a sordid debauchery of the ballot hitherto unknown in this country, without a feeling of deep resentment and without a blush of shame.

No one in this country ever dreamed, Mr. Chairman, that the time would ever come in the United States when public money, appropriated for the alleviation of human distress, could be sabotaged and prostituted as it was in Pennsylvania, Kentucky, New Mexico, Oklahoma, and to a greater or less degree in every State in the Union, including the proud old State of Tennessee.

Only last week, Mr. Chairman, a W. P. A. superintendent was tried and convicted in the Federal court at Knoxville, Tenn., in my congressional district, for misappropriation of W. P. A. funds, and for levying political tribute on poor, unfortunate relief workers. It developed in the trial that W. P. A. project foremen vied with each other in rivalry to see which could bleed relief workers the most for political contributions. It was shown that the project bosses were furnished with the names of the W. P. A. workers, and opposite each name was indicated the amount each was expected to contribute. One of the unfortunate victims testified at the trial that his boss came to him and said he would like to have $5. "I asked him," testified the witness, "what it was all about. He went ahead to explain that it was for the campaign." In this instance it was for a Democratic primary. Continuing, the witness said, "I told him I did not know whether I could spare $5 but I would try to give as much as $3, and he said that would be fine." It further developed in the trial that usually the W. P. A. workers placed their contributions under the Democratic donkey paperweight on the desk of the project supervisor. At that time W. P. A. workers in Knox County were receiving less than $30 per month to support their families.

Commenting on the trial, the News-Sentinel, published in Knoxville, had this to say editorially:

> The political racket in Tennessee is enough to sicken any decent human being, and it is doubly sickening when it is worked on helpless relief clients.

Even destitute women on sewing projects were subjected to the impositions of these political vultures. These poor and jaded women were forced to disgorge a part of their meager relief earnings or suffer the inevitable consequences which they well knew.

That such a dastardly thing could happen in this great country, Mr. Chairman, not only arouses our indignation but staggers our comprehension as well.

This legislation is designed to prevent a repetition of such sordid and scandalous political rascality.

It will be urged by some that this legislation will interfere with personal liberty. Well, if the passage of this measure will secure those on Government relief from becoming the prey of political parasites and highjackers by interfering with their "liberty" to coerce and exploit, then that is the strongest possible argument for its speedy enactment. [Applause.]

Mr. Chairman, to me the lowest form of animal life is the creature who would levy tribute, political or otherwise, on the unfortunate recipients of Government relief, or who would undertake to influence their political action by either a promise of favor or by a threat of punishment or reprisal. Such a creature, in my opinion, belongs to the category of ghouls and deserves the contempt and execration of all decent people.

Mr. Chairman, I favor this bill as it passed the Senate. The more teeth that can be put into it the better, so far as I am concerned. I want to see the House bill amended in substantial conformity to the Senate bill. Some clarification may be necessary, but we all fully realize that the objective of this legislation is to free those on Government relief from the talons of political harpies and to prohibit Government employees from engaging in pernicious political activities on Government time and at Government expense.

I want to see the language of the Senate bill relating to party primaries and conventions restored to this bill. These primaries and conventions have a direct bearing on the general election and, besides, this provision of the Senate bill is designed to prevent these nominating devices from being used as instruments of graft, extortion, and intimidation.

So far as I am concerned, Mr. Chairman, the bill does not go far enough. I would like to see it amended to cover such practices as I discussed on this floor on June 28, 1937, when I called to the attention of the House and the country the sale of the now "celebrated" Democratic campaign book. This performance, which was carried on throughout the Nation, presented the most audacious and disgraceful species of highjacking and racketeering that had thitherto been known in this country.

I stated at the time that Al Capone in his palmiest days would have scorned to condescend to such arrant, cowardly, and contemptible conduct, and that Jesse James would have

considered it unworthy of his code of ethics and a reflection on his sense of sportsmanship.

This bill, Mr. Chairman, should be amended to include rackets of this character, because they sustain close relationship to the instant subject.

The Democratic campaign-book racket was carried on in this novel fashion:

Thousands of books were printed and were supposed to have been autographed by no less a personage than our present Chief Executive. Agents skilled in the art of high-pressure salesmanship were engaged to travel throughout the Nation and sell these books to those equipment dealers and contractors who had been given P. W. A., W. P. A., and other Government contracts. The agents were supplied with data as to the amount of business each material and equipment dealer and contractor had received, and the number of books each was expected to purchase was based on the amount of business he had enjoyed. Of course, this information was supplied by the heads of Government agencies right here in Washington.

Before they were anointed and sent on their scurvy journey, these solicitors were assembled in Washington and furnished a list of the lambs to be shorn, and given a letter signed by the head of the Democratic National Committee authorizing them to make the necessary contacts.

The agent who worked Tennessee, and when I say "worked," I mean precisely what I say, made at least four stops in my State—Knoxville, Chattanooga, Nashville, and Memphis. When he reached Knoxville he registered at one of the best hotels and immediately summoned to his suite those whose names were furnished him in Washington as beneficiaries of Government business. They came singly, and when Mr. A, for instance, was ushered into the presence of the shearer, he was adroitly reminded of the business he had received from the Government and the prospect of future favors was dangled before him. He was then shown the Democratic campaign book—a veritable masterpiece of art—and told that he was expected to purchase. The victim immediately expressed a willingness to buy a book, thinking, of course, that the price would certainly be nominal; but when he was told that he was expected to buy several books, the number varying in proportion to the amount of Government business he had enjoyed, and that the price of the book was only a measly $250 per copy, the victim's enthusiasm was greatly dampened. While these books were about as valuable as a last year's Barker's Almanac, under pressure, thousands of people bought them and immediately chucked them into the garbage can. It was just a subterfuge to levy cold-blooded blackmail, and the victims knew it, but there was no alternative if they expected to continue to get Government business. It is amusing to note that at the very time these campaign books were being inflicted on these hapless and helpless businessmen at $250 per copy, the same books were on sale in second-hand book stores here in Washington at 30 cents per copy. [Laughter.]

Another feature, Mr. Chairman, of this famous, or rather infamous, book which brought in huge revenues to the Democratic war chest was its advertising section. In advance of the publication of the book, large concerns, which directly or indirectly, benefited from Government business, were also visited, and by sinister methods, convinced of the importance of taking advertising space in the book, paying from $10,000 to $15,000 per page—prices far in excess of cost of similar space in such magazines as the Saturday Evening Post with its millions of circulation. Of course, it was simply a hold-up of the purest ray serene, but it was either take the space or be blacklisted.

Mr. Chairman, this bill should be amended to include this racket, because this is a species of political immorality and skullduggery that should not be tolerated. [Applause.]

My friends, if this legislation is defeated or emasculated, the country will conclude with reasonable justification that Congress approves political manipulation of Government relief. The country will also interpret such action of the Congress as an approval of pernicious political activity by those on the Federal pay roll, together with the privilege of those in authority to levy tribute and impose intimidation on Government employees.

I realize that every effort will be exerted to delay this legislation and, if possible, defeat it. We have already seen unmistakable evidences of such a conspiracy. But if this measure is not enacted before Congress adjourns, with the amendment which the gentleman from New Mexico [Mr. DEMPSEY] will propose included, in my candid opinion, it will be a sad commentary on the integrity and moral perspicacity of the Seventy-sixth Congress. [Applause.]

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, I want to join in the condemnation of all that took place in Kentucky with reference to abuse of the relief and P. W. A. workers. I neither subscribed to that while it was going on nor have I condoned it since then. That is what occurred in connection with a primary, but neither this bill nor the bill as it came from the Senate, as was just said, includes provisions with regard to primaries. The only comment that was made on this bill in the Senate in that connection was when Senator CONNALLY asked Senator HATCH if the bill included such provisions, and the answer was "no." Then the bill went by the board without further ado. The majority of crimes of this nature are committed in the primaries which are equivalent to election. If you eliminate primaries from the provisions of this bill you have not scratched the surface of about 75 or 80 percent of the wrongs which are still in existence.

I would be in favor and I am in favor of making the fence around the relief worker and the P. W. A. worker so stout and so strong that it would make anybody afraid to violate any of its provisions. I do not care if you make it a penitentiary offense for a man to ask a relief worker who the candidates are when election day comes, but that is as far as the bill should have gone, preventing abuse of those on relief work.

You have heard a great deal of talk here about dictatorship and Hitlerism, but today you are proposing to reach out to millions of people who have never been sought to be touched by the Federal Government in the last 150 years and to gag them and handcuff them in the exercise of their political rights. This bill not only goes further than covering relief workers—and you can make that fence as stout as you please and I will support it—but you go into numerous other fields which I cannot support.

You include any man acting in a supervisory capacity who is receiving any salary, in whole or in part, provided by the Federal Government. Now, where are you States' rights boys who have been talking about the Federal Government reaching into the States? You have thousands of employees in the United States who have what are considered to be State jobs, but, incidentally, a part of the year they work on a Federal road program, or something of that sort, that has Federal money in it. This would include every such State employee in the 48 States of the Union. It would include the teachers of universities and colleges and of high schools who receive any pay under the Smith-Hughes Act, down even to the janitor, and he would be violating the law if he tacked up cards for you for 50 cents on the telephone poles down the street. I do not know how you would hold an election in the rural precincts, because even the men who are drawing small checks in measuring land in soil erosion would be included, and such a man could not act as a challenger for his party in an election. Yes; it goes that far, debate it or discuss it all you will, because nobody is going to deny that. It would include the man in a local town hauling sand to build a local post office if an election happened at that time. It includes collectors of internal revenue, United States judges, United States attorneys, and, in fact, a great host of people that have never heretofore been considered anything except State employees.

Let me tell you the most asinine thing proposed in here. You leave Members of Congress open to go down and butt

into every State race, city race, county race, judicial race, or sheriff race without penalty, but you say to all this vast number of State employees, who are State employees drawing the major portion of their money from the State, that you shall not have a word to say about our election. Is not that a poor position for us to assume in this matter? Why not put ourselves in the same position? You say by your act that we can butt into anybody's race, not only in our State but in anybody else's State, but the State employee cannot open his mouth.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CREAL. I shall offer an amendment at the proper time to strike out words which are the most dangerous provision in this bill and the widest invasion of State rights ever proposed, where it says that any employee in a supervisory capacity who draws his money in whole or in part, and so forth. If you will strike that out and make it apply strictly to the Federal Government, then the Federal Government will be regulating its Federal employees; otherwise the State is attempting to regulate city, county, and State employees because they happen to have a mite or two of Federal money connected with the work they are doing. That is not fair. It is the greatest invasion of States' rights ever proposed in a quarter of a century. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am for the strongest and most stringent possible law that will remove politics from relief. I will say this for the majority members of the Committee on the Judiciary that with slight difference of opinion they agree with the minority members that we must have a strong and unequivocal law that will eliminate politics from relief and thus remove a stain from our national history that might well have caused the blush of shame to come to the face of the Nation.

With the advent of relief as a national policy there arose quite naturally the temptation to use it as a political weapon and for private graft. In every State in the Union political scavengers preyed upon the helpless victims of the so-called depression in an effort to carry elections which hung in the balance to be decided by the corrupt control of the relief vote. From all over the country came the report that in the November elections of 1934, 1936, and 1938, Democratic politicians appealed to persons on relief rolls to vote for the Democratic candidates, particularly those who were candidates for Congress, making such appeals as: "Do not bite the hand that feeds you. The President is feeding you."

No blacker stain, in my opinion, could besmirch the record of a party or administration than the infamy of preying upon the hunger, misery, and destitution of the people for political purposes at the expense of the Public Treasury.

In every city in the United States the corrupt political boss employed his power over those on relief to bolster his waning political regime and win elections for his party. Venal political scavengers organized so-called political clubs composed largely of those on relief who regularly as pay day came were forced to contribute to these corrupt political vultures either to promote political campaigns or enrich their own coffers from the pittance which the Government provided presumably to feed hungry children and men and women made destitute by the bungling experiments of the New Deal in government. No such shameful depravity was ever before exhibited in the political history of this country or any other.

About three score years ago Boss Tweed made himself the symbol of political depravity for all time, but even Boss Tweed never took the food out of the mouths of little children to strengthen his political power. Tom Pendergast in Kansas City set an all-time record of political corruption and election theft but he never robbed babies of their food to oil his political machine as the devotees of the New Dealer have done with the helpless victims of the Roosevelt recession who were forced by these political charlatans to dig up dues and contributions from their meager earnings by these liberal grafters who cared more about electing New Dealers than they did for the welfare and comfort of the victims of unemployment.

Now, if this Congress means it, it can put an everlasting end to this sort of corruption and graft. There has been a vast amount of misinformation about this bill and the House Judiciary Committee. It was said we butchered the Hatch bill. The original Hatch bill as it came to the House Judiciary Committee made it unlawful to solicit political contributions from those on relief. The House Judiciary Committee strengthened it by amending it so it is not only unlawful to solicit contributions but also unlawful to receive even voluntary contributions from those on relief. This will prevent anyone from financing any political campaign with contributions from those on relief which so far has been the major offense in the political aspect of this question.

I am willing and anxious, too, to go along with those who would prevent those on relief and those particularly administering relief from political activity, and as far as that goes, I am willing to prevent Federal officeholders from being members of nominating conventions. That is largely a matter for the majority to settle. We Republicans cannot nominate anybody by using Federal officeholders because there are not enough scarcely to settle a tie.

I urge with all the force at my command the passage of a law with plenty of teeth in it so that we may really eliminate politics from relief. [Applause.]

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. HEALEY].

Mr. HEALEY. Mr. Chairman, the Judiciary Committee has given a great deal of consideration to this bill, and in view of the fact that a tremendous amount of legislation has been before that committee of great importance, I feel that the committee has reported this bill to the House as expeditiously as possible under the circumstances.

This bill now represents the well-considered views and judgment of the Judiciary Committee and was reported to the House unanimously by the committee. A great deal has been said about delay in the consideration of this bill. You have read about that in the newspapers. We also have been accused of pulling some of the teeth from this bill, but I submit that at all times, both the minority and the majority members have approached this problem with the utmost fairness and with a sincere desire to achieve the objectives of the author of this bill.

We did, however, believe that there were some provisions in the bill that were unreasonable, and we have attempted to amend the bill so as to make it conform to reason and sanity, and yet retain the major objectives of the bill. The first section of the bill makes it unlawful for anyone to intimidate, coerce, or threaten any person to vote for or against a person in a national election. Section 2 is a controversial section and the committee, believing, of course, that it had no right to deprive a person the right to vote as he choose, believing that was inherent and guaranteed under the Constitution, struck out the words "vote as he may choose" in lines 18 and 19, page 2, and added the words "participate in the activities of a political party." The purpose of that was to make this law conform to the civil-service regulations. The civil-service rule 1 provides that no one in the executive civil service shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. That has been interpreted as follows by the Civil Service Commission: That the political-activity rule applies in its entirety to all employees occupying classified positions regardless of whether their status was acquired as a result of a competitive examination, classification by statute or classification by Executive order, but it provides that only the first sen-

tence of the rule applies to Presidential appointees, and incumbents of executive positions and other nonclassified positions.

The committee, in its judgment, did not feel that it ought to subject those persons covered by section 2 of this act to any more stringent rule than those unclassified persons under the civil-service rule. I am sure that it was the purpose of the author of this bill merely to make the civil-service ruling applicable to persons who are not classified, and who are not embraced by the civil service, and we have done that by the amendment which we have made to section 2.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. HEALEY. Yes.

Mr. ZIMMERMAN. Many of the complaints against political activities were made regarding the primary elections in the State of Kentucky. It seems to me that the language of section 2 would not prevent the same things from happening in a primary election in Pennsylvania or Kentucky because a primary election is not regarded as an election, and nothing in this bill would prevent employing the same tactics in a primary election in any State.

Mr. HEALEY. In my judgment, this bill applies to elections, as the text reads.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. HEALEY. In section 9 of the bill, in the judgment of the committee, this would apply to Cabinet members, to clerks and secretaries of Members of Congress, and apply to all persons who are embraced in the Government service. I do not believe either Republicans or Democrats desire to extend such a stringent rule to the so-called policy-making persons present in any administration. If a Republican administration comes into power again, there are certain policy-making people it will embrace in its administration, and I know the Republicans believe that such persons ought to be permitted to defend the administration, to make speeches over the radio and on the public platform, and, therefore, it seems to me that the Committee on the Judiciary acted with reason and sense, and we have now presented a bill that the House ought to support. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I am glad that we are considering this bill from a nonpartisan point of view. It was introduced by a Democrat in the Senate and is sponsored in the House by a Democrat from New Mexico [Mr. DEMPSEY], a distinguished and able Member of the House. However, we have had a rather sad spectacle in the House, where we find some Members of the majority party, not the leaders of the party or a majority of the Democratic Party, conducting a filibuster to prevent even the consideration of this bill which has for its sole purpose the purifying of politics and the cleaning of the Augean stables of graft, corruption, and political coercion of those unfortunate and needy Americans who are on relief rolls, and to stop the playing of politics with human misery by politicians who have been using that method to keep themselves in office. It is enough to make the angels weep. This bill with teeth in it is directed at all political ghouls and vampires who exploit the needy and obtain funds of those on relief. This legislation as far as I know is not opposed by any single group in America. As the bill before us is written without the Dempsey amendment, it is worse than no bill at all. The teeth have been taken out of the bill and it is utterly useless in its present form. But with the Dempsey amendment, I know of no single organization in America that would oppose it except the Communists and Workers Alliance. I hold in my hand a letter from the National Grange, of which I am a member, approving the Dempsey amendment. I believe this Grange letter has been issued to every Member of the House. It reads as follows:

> The Hatch bill strikes at an ancient evil and proposes a reform that is long overdue. In a word, the aim of this measure is to protect the sanctity of the ballot and to safeguard the right of free elections. It must be agreed by all fair-minded people that any party that cannot win an election without the contribution and electioneering of those who have been placed on the public pay roll does not deserve to win. Since the Dempsey amendment exempts those holding policy-making positions, it must be regarded as fair and workable.

That is the endorsement of the National Grange, a great nonpartisan farm organization.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. FISH. For a brief question.

Mr. COCHRAN. What is the Dempsey amendment? Is it this part that is stricken out on page 5?

Mr. FISH. Yes; on page 5, section 2.

Mr. COCHRAN. "All such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects."

Mr. FISH. Particularly on page 3.

Mr. COCHRAN. There is nothing stricken out on page 3 of the bill I have before me. We are considering Senate bill 1871, are we not?

Mr. ROBSION of Kentucky. The gentleman from New Mexico [Mr. DEMPSEY] on last Monday introduced the amendment that he proposes to offer.

Mr. FISH. I have the Dempsey amendments right here. I can give them to the gentleman, but I have not got time to talk about them in 5 minutes.

Mr. ROBSION of Kentucky. Page 9276 of the RECORD contains the amendment offered by the gentleman from New Mexico.

Mr. COCHRAN. What does the gentleman think about this amendment on page 5, which strikes out the language "all such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, but they shall take no active part in political management or in political campaigns"?

Mr. FISH. I would rather discuss that when it is reached in the bill.

Mr. COCHRAN. That is stricken out. Does the gentleman object to that being stricken out?

Mr. FISH. I think that ought to be stricken out.

Mr. COCHRAN. But does not the gentleman feel that that language would be a violation of the right of expression in the Bill of Rights?

Mr. FISH. No; I do not think so at all. I think that applies to the civil service as well.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. FISH. I believe the main purpose of this bill, the one that we are all primarily interested in, is preserving a free ballot. Our free institutions today by a free people under a free ballot is being attacked more than ever. Our very form of parliamentary and representative government is more under attack than ever before. We are told from abroad that popular government and democracy have failed. Unless we pass legislation of this kind, upholding a free ballot and our free institutions and thereby our representative form of government, then, gentlemen, it is the beginning of the end of free institutions, and you will soon have some form of dictatorial government in this country. [Applause.]

[Here the gavel fell.]

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order that there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eighteen Members are present, a quorum.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, we now have in this Nation a government by minorities—high-pressure groups. We are fast forming the bad habit of legislating by label.

The title of this bill is "to prevent pernicious political activities." Every one of us is for that slogan or label. I challenge any man to dispute, from the record, my statement that there is no difference whatsoever between the proponents of the so-called Dempsey amendment and the Committee on the Judiciary that even touches the hem of the garment of any pernicious activity. What I submit is that there is outlawed in the committee bill every single pernicious activity which has been damned on this floor or which has caused shame in any State in this Union.

Section 1 interdicts coercion, threats, and intimidation of any person with reference to his vote.

Section 2 interdicts the use of official authority for the purpose of interfering with or affecting an election.

Section 3 interdicts bribery by promise of employment, position, work, compensation, or other benefit in exchange for political activity or vote.

Section 4 interdicts the deprivation of employment because of race, creed, color, political activity, or vote.

Section 5 interdicts the solicitation or reception of contributions from anyone on relief or W. P. A. roll.

Section 6 interdicts furnishing or receiving lists of names of persons on relief, for political purposes.

Section 7 interdicts the use of money or authority from relief, W. P. A., or P. W. A. appropriations for the purpose of interfering with, restraining, or coercing a vote.

Section 8 is the penalty clause, fixing a maximum punishment of $1,000 fine and/or imprisonment for not more than a year.

Section 9 forbids anyone in an administrative or advisory capacity to use his official authority or influence for the purpose of interfering with an election. Sections 10 and 11, the concluding sections, are of no substantive effect. So I submit that the only difference in the world—and I want you to listen to this—the only difference in the world between the committee bill and the so-called Dempsey amendment is that the Dempsey amendment, at its core, does this: It adds only that no man employed in the executive branch of this Government may take an active part in a political campaign or in political management. Is that pernicious activity? Of course, it may degenerate into that, but if so, it is punishable both by expulsion from his office and also by fine and imprisonment. But it is not per se pernicious. I ask any man to say that it is. I will eat my hat and buy him a new one if any man has the nerve to say so, because it is not so. The foundation stone of this Government is the free and untrammeled exercise by free men in our democracy of their right to participate in their Government. [Applause.] The mere fact that a man may be in public office does not divest him of his citizenship. I am standing upon that high principle, that holy ground, and our "government of the people, by the people, for the people" will perish from the earth if we stand elsewhere. From time immemorial every Republican and every single one of us Democrats has so proclaimed. We have that right, and the mere fact that in a few instances, in a few States there have been abuses of that right does not make participation in government pernicious political activity.

There may have been isolated cases of corruption in some States in the Works Progress Administration but I am sure that in most of the States that great organization has functioned as it has in Alabama, under splendid, clean, and efficient leadership, and without a semblance of the questionable, much less rotten.

Similarly, Alabama and most of her sister States have always had, now have, and will have as long as they endure, officials of a type too high to stoop to any pernicious activity, with or without law.

Mr. HANCOCK. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am happy to yield to my distinguished friend from New York.

Mr. HANCOCK. I agree with the gentleman that section 9 as passed by the Senate goes way beyond reasonable bounds, but I ask the gentleman by whom is section 9 to be enforced even if amended as proposed by the gentleman from New Mexico?

Mr. HOBBS. It is, of course, nothing but a stump speech, and nobody expects it to be enforced. It could not be even if it were constitutional.

The mud sill, the foundation, upon which the argument for this Dempsey amendment is based is: For 50 years the Civil Service has interdicted political activity by civil-service employees.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield 1 additional minute to the gentleman from Alabama.

Mr. HOBBS. Those under civil service are career men and cannot be fired. They "take the veil" in exchange for insurance against separation from the pay roll. That is perfectly right, and a fair quid pro quo. Give all other Federal employees similar assurance, and they should also "take the veil", but without that quid pro quo they should not be compelled to surrender their constitutional rights of liberty and free speech. [Applause.]

I realize that everyone is for the principle which is emblazoned on the pennant flying at the masthead of this finely intentioned bill, but I challenge anyone to give me any good reason for insistence upon the heart and core of the Dempsey amendment. I wait for an answer in the succeeding debate. It will not be made; it cannot be made; there is none, and I hope, therefore, that this House will honor itself by forgetting the billingsgate by eschewing politics, and that the membership will support the Judiciary Committee, which, for 3 months, has labored faithfully to bring you this bill that will correct the evils which in rare instances have afflicted us, and of which in years to come you may be proud. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman——

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. For a brief question.

Mr. DIRKSEN. I was going to make an observation relative to the remarks of the gentleman from Alabama [Mr. HOBBS].

My answer to the gentleman from Alabama would be that despite the high ground taken by members of the major political parties heretofore, that up to 1932 there never has been any such war chest with which to influence the campaign; and, secondly, the perpetuation in office of hundreds of thousands of employees who have an interest in continuing the administration in power, in my judgment, is a somewhat pernicious political activity, in spite of the fine idealism that has been expressed on the floor.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I cannot yield further; I am sorry.

Mr. Chairman, Congress has dodged the issue of preventing pernicious political activities long enough. The passage of this legislation has been withheld not only to the detriment of the taxpayers of this country—those who are required to pay for the extravagant use of Federal funds—but to the discomfort and deprivation of those for whom such funds were intended. More than that, the withholding of this kind of legislation has been most damaging to the fundamentals of democracy itself.

Let me say at the outset that I favor the Hatch bill as it came from the Senate. I am in favor of putting all of the teeth back into this measure that were taken out by the House committee. I shall support Congressman DEMPSEY's amendments to the House bill which will restore the essential and effective provisions of the Senate measure.

Petty politics have been played more or less in the affairs of our Government for many years. But in recent years and months we have had the rank disclosure of persons in high places and in positions of authority, who have not only exercised their influence, but have manipulated the use of public funds, to foster their own political ambitions.

During the past few years the Federal Government, by reason of, and in the name of emergency, has expended billions of dollars on behalf of our needy people and to provide employment for them, in an effort to meet or overcome our unfortunate economic situation. The manner in which these funds have been administered and expended in many cases has become a shame and a disgrace upon the Government itself. I do not say that the expenditure has been extravagant in all instances, but I know and you know that in far too many cases the best interests of government and people have been overlooked. Far too often taxpayers' funds have been used and distributed on the basis of political pressure, rather than for the well-being of those for whom the money was intended.

One of the greatest crimes committed these days is that of permitting funds intended to provide food, clothing, and shelter for the ill-clothed and undernourished people of our country to be extravagantly used or wasted by those who put petty politics above public interest. If the billions of dollars that have been appropriated by Congress for the needy and underprivileged during the past few years had been efficiently and economically administered and distributed we would not have the suffering which exists throughout our country today.

It is unnecessary for me to point out this afternoon the disgraceful manner in which public funds have been used in various places. There has been going on throughout the length and breadth of this country a system of racketeering that is incomprehensible and indefensible. State after State, and community after community have reported the manner in which politically appointed parasites have preyed on the Public Treasury. All to the detriment and suffering of those people for whom these funds were intended. This situation is not confined to one State or in any one section of the country. We find it in New York, Ohio, Kentucky, New Mexico, and Louisiana, as well as in other parts of the United States. Why in the world should the American people permit such a shameful condition in the use of our public funds?

We also have another situation which has developed during the past few years that makes the passage of this legislation very important as well as imperative. Attention has been called many times to the great growth of bureaucracy that has been built up like a mushroom in this country during the past decade, and especially in the last 6 years. We have created bureaus and commissions in the name of emergency, and have given them power and authority beyond all expectations. We have added group after group of employees. The policy of this Congress is to increase these bureaus as well as the number of employees, rather than to decrease them. In 1933, we had 563,000 Federal employees, of which 83 percent were under competitive civil service. Today we have approximately 900,000 Federal employees, 300,000 of whom secured their positions because of political patronage. Most of the jobs under the various commissions and bureaus that were created by Congress were exempted from a civil-service merit system. These employees may or may not be qualified for their places, but their chief qualification for the appointment is their particular political affiliation.

If this Congress continues its present practice, we are going to foster and approve the most gigantic political machine that is known in any nation anywhere. This bill will prevent those who are appointed to positions under the Federal Government from taking an active part in the management of political campaigns or engaging in them actively. If they do take such part and active interest they will lose their jobs.

We have just experienced and are still experiencing, so far as that is concerned, a disgraceful example of the abuse of political patronage by the Pendergast machine in Kansas City, Mo. That example alone ought to convince anyone—in Congress or out of Congress—of the dire necessity for legislation of this kind.

Members of Congress, I just do not believe we can make this legislation too strong. The time has come—yea, long past due—when this thing must be stopped. Let us do it now, once and for all. Let us see to it that each and every individual who has anything to do with the disbursement or administration of public funds shall have nothing to do concerning the appointment or election of any individual to public office. When you permit the use of public funds, as well as political appointments, to influence and control the elections of individuals to high places, who are to direct the policies and affairs of our Government—at that time you are striking at the very foundation of democracy itself. This Congress still has a chance to prevent the American Government from being controlled by the corruption of a spoils system. Does it have the courage to do it? [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman——

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I am pleased to yield to my distinguished friend on the Judiciary Committee.

Mr. HOBBS. I thank the gentleman and appreciate the courtesy which is necessary in order that I might reply to my friend the gentleman from Illinois [Mr. DIRKSEN], who said he was replying to me.

I point out to the distinguished gentleman from Illinois that this bill absolutely outlaws the use of any money whatsoever to influence elections, and also the use of official authority. His observation therefore is certainly without point.

Mr. SPRINGER. Mr. Chairman, I fully agree with the statements which have been made by various Members that the Judiciary Committee have worked long and toiled faithfully on the Hatch bill.

This bill, with proper amendments, which seeks to prevent pernicious political activities, should be passed in this House without a dissenting vote. The general provisions of this measure are sound. This proposed legislation seeks only to make certain the inherent right of every citizen of our land of the freedom of the ballot and his or her right to vote as they may elect without interference from illicit political manipulators. This bill makes ample provision for punishment to all violators of the act.

I am convinced that legislation cannot be made too strong in this particular. Every safeguard must be thrown around our people and they must be made secure in that inalienable right to vote, and to vote as they may desire. If and when the sanctity and the sacredness of the ballot is discarded and the safeguards are removed therefrom, then our form of government will fail. The freedom and the sanctity of the ballot is quite essential and is equally important as our freedom of speech and of the press which is guaranteed to all of our people, and that element is equally important and marches hand in hand with our right of freedom in religious worship.

When we consider the question of pernicious political activities, as used in the pending measure, we are constrained to view with great alarm the growing practice of asserting political influence upon our unfortunate people who are working upon the W. P. A. and those who are on the relief rolls in our country; this character of political manipulation is an unfair, unprecedented, and unwarranted effort to destroy the free right of those individual citizens, who are good Americans, to cast their vote as they may desire, and in the manner of their own selection—which right is positively guaranteed to all our citizens who possess the required legal qualifications to so vote. However, under the conditions which now exist in our country, many of our people, through no fault of their own, but wholly by reason of circumstances beyond their control, are compelled to work on the W. P. A., or they are compelled to accept relief in order to sustain themselves and their families, and by reason of that misfortune which has overtaken them, will any Member of this House, or will any American citizen, say that man,

or that woman, should not have a safeguard thrown about them for their protection, and that they should not have the free and unrestrained right to vote, and to vote as he or she may elect?

Mr. Chairman, the right to vote and to vote as a free man, without intimidation, coercion, threats, or restraint—and to vote as the dictates of his or her own conscience may direct—is an American right. That right is coupled with the right of citizenship, and it is the inherent right extended to every citizen of our Nation, who is otherwise duly qualified to exercise that right. The franchise of our people and the privilege of exercising the same is not extended to any particular party, but it is extended to our people regardless of their political affiliations and belief and it is granted to all of our people regardless of the party with which they have become affiliated or the party or candidates for which they may desire to cast their vote. This is the undeniable right of every citizen of our Nation.

Thomas Jefferson, one of our great Presidents and one of our outstanding statesmen, in his inaugural address in 1801, said:

> Equal and exact justice to all men, of whatever state or persuasion, religious or political.

Therefore, the unfortunates of our country—those who are unemployed, those who are working on the W. P. A. and those who are the recipients of direct relief—are entitled to the same and equal freedom of the ballot as is extended to every other American citizen; that is an inherent right which is guaranteed to them.

Within the last few years, and since the Nation's relief agencies have been centralized in Washington, and vast numbers of administrators, supervisors, agents, inspectors, office employees, and white-collared political manipulators have been employed and engaged in the administration of the affairs of our unfortunate people, practically all of whom are not entitled to relief of any kind, we have heard from the lips of our people who are working on the W. P. A., and those are receiving direct relief, that intimidation, threats, and coercion have been exerted upon them respecting their vote at our elections. That in many instances the threat has been made that if the worker, or the recipient of direct relief, did not vote for the party, or the candidates, as requested the worker would be immediately discharged from the W. P. A. and the recipient of direct relief would not receive further assistance. So many instances have been recorded, since the establishment of the Director of Relief in our Capital, that after the general elections have been held and the local supervisors of relief were dissatisfied with the result, or the suspicion of the supervisor was aroused that some of the men under his supervision did not vote in the manner and form he desired, and those unfortunate men were ruthlessly discharged from their job on the W. P. A., and those who were receiving direct relief were refused further assistance.

Quite a large number of instances have been reported that the W. P. A. supervisor stood just outside of the room in which the election was then being held, and with his book in his hand he gave to these unfortunate men and women the last word of instruction and his last expression of intimidation "to vote the straight ticket or the voter need not come to work the next morning." In many instances, where voting machines were used, the W. P. A. workers, and those receiving relief, were falsely told that the supervisor who stood on the outside of the polling place could positively tell by the ring of the bell how the voter was voting and whether the voter was following the last-minute instructions given to him before entering the booth to cast his ballot. The relief rolls have been filled to capacity in many places before the election and the number greatly reduced after the election was over, and in many instances, wholesale discharges of W. P. A. workers were made immediately after the election day. All of these things have been done in the past respecting our own citizens and their right to vote as they may desire, Mr. Chairman. And many of our own citizens, who were working on the W. P. A., or who were receiving direct relief, were discharged from their work or their allowance was discontinued because they sought to exercise their legal and their God-given right to vote as they please, and they were made hungry and their families were made to suffer because of it. This practice among our unfortunate people is wholly un-American and is unthinkable. Such an unholy procedure must be stopped, and the passage of the Hatch bill will provide the machinery by which our prosecuting officials will be able to aid in stopping this unlawful thwarting of the will of our people.

Mr. Chairman, can it be that we should continue to have two distinct classes of citizens on election day? The one class would be composed of those people who are not on relief in any form, who would have the perfect right to go to the polls and cast their vote as they may desire, and without any interference from any person whomsoever. And, the other class would consist of the poor and the unfortunate people—those who are forced to work on the W. P. A. and those who are drawing direct relief—who would be subject to force, threats, restraint, and intimidation and who would be made slaves on election day—whose freedom at the ballot box would have been taken away and they required to vote according to the will of their supervisor or boss, who would be their master and their individual rights as Americans would have been terminated.

No; I am confident we will have but one class of American citizens and voters on election day, and these shall be equal in every respect; they shall possess that freedom which is guaranteed to every citizen at the ballot box; all of our people, regardless of what their economic conditions may be, shall have the right to vote in the future, if this bill is passed, without threats, coercion, or restraint, and our people will have the right to vote freely and as he or she may choose for the party and the candidates of their own selection.

The questions involved in the passage of this measure are nonpolitical. This law, if and when it is passed, will apply equally to all political parties and the members thereof; this law will forbid the debauching, or the attempt to debauch, the freedom of our electors to vote as they may choose regardless of their state or station. That is truly the American way.

Let us measure this righteous legislation, which is proposed, with the policy of soundness; let us strengthen the proposed bill that it will express the American vision of equality—that the freedom of the ballot may be forever preserved and the inherent right of every American citizen to vote as he or she may elect shall be forever retained. [Applause.]

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN. Mr. Chairman, this bill, to my mind, presents a challenge to our system of free elections and the free choice of elective holders of Federal Government offices. This bill should be approached in no narrow, partisan spirit, but in the spirit of Americanism in an endeavor to correct evils in our system which have been present not only under Democratic administrations perhaps, but also under Republican administrations. I regret very much that some of my good friends on the minority side of the aisle have seen fit to attempt to turn this debate into an effort to condemn the Democratic Party. All of us who remember political campaigns in the past when the Republican Party was in power can vividly recall abuses which would have been touched and affected by the bill now under consideration. This situation reminds me of the fellow who had a leaky roof on his house. When his neighbors asked him why he did not repair it, he said: "Well, when it is not raining I do not need to fix it, and when it is raining I cannot fix it." In other words, when the party in power takes advantage of situations which are condemned and affected by this bill it does not desire to correct those situations. It is interesting to note in passing, and perhaps significant, that throughout

all the years of our history when these conditions existed under Republican rule no such bill as this was presented to the Congress for its consideration and action.

So when my good friends condemn the Democratic Party, or attempt to do so, it is well to call to their attention the fact that this bill is being presented by a Democratic committee under a Democratic administration. I am not going to attempt to discuss the bill in all its details at this time, because that has already been done on the floor of the House.

Mr. Chairman, may I, as a member of the Judiciary Committee, pay my respects to the gentleman from Massachusetts [Mr. HEALEY], chairman of the subcommittee which brought this bill out, and to all the members of the committee who acted in a most nonpartisan manner? May I say further, and I am sure I divulge no secret, that at the committee meeting I propounded the inquiry whether or not a vote to report this bill, after our debate and consideration of it in committee, bound the members to vote for it without amendment on the floor, and that it was agreed by the committee that it did not. I note that the distinguished gentleman from Pennsylvania [Mr. GRAHAM] on the minority side nods approval of my statement. I asked in committee if a vote in favor of reporting the bill there precluded the offering of amendments on the floor of the House, and it was unanimously agreed by the membership it did not. Therefore, at the proper time I am going to propose an amendment which will be in accord with the Dempsey amendment that will be later offered. The amendment I intend to propose will be an amendment to section 2, lines 18, 19, and 20, and will have the effect of striking out the words "or to participate in the activities of a political party." This amendment, if adopted, will have the effect of strengthening this bill and putting it in the shape in which I, as one Member of this House, viewing it impartially and from a nonpartisan standpoint, believe it should be.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, much has been said by the members of the Judiciary Committee about how well they are protecting the people of this country by eliminating the enforced extraction of wages from W. P. A. employees, but may I say that their amendment provides, not as we did in the relief bill, that funds from that bill may not be used for political purposes, but that money cannot be extracted from a relief worker, which means a certified worker. The Work Projects Administration will tell you that the other workers are considered as nonrelief workers. This includes office boys, stenographers, and those who are appointed without being certified. If the committee amendment stays in the bill, it means that entire organization will be subject to being chiseled out of money that these workers have honestly earned. It is true that many of these people, including officials of the W. P. A., are receiving a higher wage than they ever received in their lives from private industry. If they are getting too much money it is my contention that their salaries should be reduced in order that additional workers may be employed. [Applause.]

May I say something now about pernicious political activities? The gentleman from Alabama thinks the amendment which the committee has offered will cure pernicious political activities. Under the committee's amendment a Federal attorney may go out and make a political speech during a campaign, a patriotic speech, if you please, with the American flag waving in one hand, and in the other hand a bunch of indictments, and the hand that is waving the indictments is the closer one to his heart. It also constitutes a political threat. Is that what you want here? Do you want people who have been indicted, threatened, and coerced, as they have been in the past? Do we want a supervisor on W. P. A. projects taking part in political campaigns and putting additional trucks on the job in name only in order that he may pay himself back for the money extracted from him by politicians?

It is not my purpose today to go into the laundry business and do any laundering of filthy political linen. This matter should be treated as a nonpartisan measure, and the bill should be passed with the elimination of certain committee amendments and with the insertion of the so-called Dempsey amendment, which I propose to offer. May I say something in reply to the gentleman who spoke about the fact that soil conservation farmers could be considered as receiving a salary from the Government?

I am sure the gentleman would not make that statement to the farmers of his district, because they know better. A soil-conservation check is not for services rendered the Government, but for conserving land and, in many cases, for taking land out of production. In other words, the farmers are practically eliminating a certain part of their capital in the way of acreage and in return for that the Federal Government compensates them. Nobody could say, by the wildest stretch of the imagination, that type of person could be included within the definition of this bill.

Mr. CREAL. Will the gentleman yield?

Mr. DEMPSEY. I cannot yield now. I would have been glad to yield to the gentlemen who are so anxious to have me yield now, but they were so busy filibustering when I spoke previously I did not have sufficient time to explain the bill. I want to take this brief time to do so.

Mr. Chairman, the amendment I propose to offer will strike out all of section 9. On Monday last I placed in the RECORD the amendment I will offer, which clarifies that part of the bill about which there is some doubt. There has not been any doubt in an intelligent person's mind about a member of the legislative branch of this Government not being affected so far as political activity is concerned nor his force of employees being affected. That, of course, has been charged in order to get some votes against this bill.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, the Hatch bill, S. 1871, is at least a step in the right direction, although there may be some question about certain of its provisions. In some respects the bill should be amended and strengthened.

This proposed legislation is an attempt to remedy conditions recently found to exist in the administration of such governmental activities as the W. P. A. Certainly no one can condone the use of the taxpayers' money to promote the candidacy of any person. Such conduct is reprehensible and constitutes a real threat to democratic government. The bill purports to be one "to prevent pernicious political activities." It recognizes that when certain persons or groups are the recipients of bounties or favors from the Government that they become easy prey for the demagogues. As the English people used to say, "Whoever takes the King's money is the King's man." This bill will limit and restrict pernicious political activities. Perhaps it would be safer to say that it will drive these activities under cover. However, it is a rather superficial attempt to deal with a problem without removing the cause of it. If we seek to really prevent pernicious political activities, we must take more heroic and fundamental steps than are provided in this measure.

By pernicious political activities we mean those activities by means of which the democratic processes of a free government are used in the aid of some selfish program and against the general welfare. Unfortunately for many years we have been building up a condition in America which makes that kind of politics inevitable. Some steps additional to this bill must be taken before there will be possible that purity of motive, that personal unselfishness, that determination to act only for the good of the Nation, which is necessary for the maintenance of a representative government. These additional steps are: First, the establishment of a genuine civil-service system; second, the simplification and decentralization of government; third, the elimination of large subsidies and favors now being given to various groups of our population.

The ease with which a powerful political machine may be built on political patronage has been demonstrated in many countries, and very forcibly in our own. It is true we have made some progress in the matter of civil service. But a real,

genuine merit system does not yet exist in this country. It would be a great step toward efficiency and economy in government if an effective bar could be placed against the use of government jobs and money for the payment of political debts. The best way to prevent improper political activities on the part of Government employees is to give them positive assurance that their continuance in office depends upon the service they render to their Government and not upon their skill in corralling votes.

Many years ago, John C. Calhoun called attention to the inroads being made by the Federal Government in the powers of the States. He predicted that the power being taken from the States would be eventually lodged, not in Congress, but in the Executive department; that the Congress in thus belittling the States was at the same time belittling is own power and responsibilities. The melancholy truth of the prophecy of this great statesman is to be found in the enormous growth of bureaus in Washington. The maintenance of these great establishments with their thousands of employees is becoming a heavy burden on the taxpayers. However, that is not the most serious side of it. A great bureaucracy exercising its daily control over the lives of the people, soon comes to wield a tremendous political power. There is a constant demand for greater power, for greater privileges. Thus there is built up a favored governing class to the neglect of the interests of the people. The time is rapidly approaching when this great source of political activity must be broken up and the power returned to the States and the people.

No effort to prevent pernicious political activities will be a complete success that does not seriously consider the tremendous subsidies now being paid to various groups. Millions of citizens are now getting money in one form or another from the Federal Treasury. In fact, our overgrown Federal establishment accounts for only 17 percent of the total expenditures of Government. Much of the remainder goes in payment of huge benefits in all sections of the country. Not all of these payments are wrong. Some are often justified on the ground that other groups are also getting benefits and favors. The fact remains, however, that the system naturally lends itself to improper political activities. We will eventually learn that patriotism soon dies among a people who are taught to look upon their Government simply as a large grab bag.

The present situation undoubtedly makes necessary such legislation as this bill. It should be remembered, however, that the pernicious political activities which we all deplore are but symptoms of a disorder which is rapidly sapping the strength of our free institutions. We should begin an immediate return to the fundamentals of American Government and American life as charted in the Constitution—simple government with widely distributed political power and equality of opportunity and individual responsibility on the part of the citizen. When we do that, these pernicious political activities will rapidly disappear.

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, ladies and gentlemen, we have before us Senate bill 1871, known as the Hatch bill, to prevent pernicious political activities.

Since March 4, 1933, under the present administration, there have been turned over to the present administration approximately $70,000,000,000. Billions and billions of this sum have been turned over to the President for so-called emergencies, for relief of various kinds to be expended by him and his subordinates as they desired. Unfortunately, billions of dollars have been used for political and partisan purposes to aid one faction of the Democratic Party to defeat the other faction, and to aid Democratic candidates to defeat Republican candidates in city, county, State, and National elections. A lot of this money has been used in efforts to defeat Democratic Members of the Senate and House and Governors of various States who were unwilling to follow the dictates of Mr. Roosevelt. The taxpayers' money has been used to make a most sordid record of intimidation, coercion, oppression, favoritism, and corruption, and to undermine the very foundations of our Government and the morals of our people. This money has been used to add nearly 500,000 useless officeholders and to create and maintain scores and scores of bureaus, commissions, and other Federal agencies.

The press of the Nation, the Republican Party, and millions of Democrats are demanding that these conditions be corrected, that the taxpayers' money no longer be used to intimidate, coerce, and corrupt our citizens, and that our Government be again restored to the people.

The great farm organization, the National Grange, on July 19, 1939, addressed a letter to each Member of the House urging the passage of the Hatch bill, S. 1871, and among others things, said:

> The Hatch bill strikes at an ancient evil, and proposes a reform that is long overdue. In a word, the aim of this measure is to protect the sanctity of the ballot and to safeguard the right of free elections.

It is a matter of common knowledge in almost every community of the Nation the taxpayers' money appropriated for W. P. A. was used to coerce and intimidate needy men, women, and children. Many of those in charge of this relief boldly insisted that voters change their party registration and vote for candidates favored by those in charge of the W. P. A., and if they refused they were denied W. P. A. work or were discharged. This same policy was practiced in almost every section of the country by those having charge of these billions spent by the various agencies of the Government to relieve the needy, the farmers, and other groups. It has developed into a powerful, corrupt, partisan, political machine. Tens of thousands of people receiving large salaries were rendering no service to the people. They were devoting their time in pernicious political activities. Something had to be done to meet this situation; and, as pointed out by the press, the National Grange, the Republican Party, and other groups, the Hatch bill solves this problem. If it is enforced it will restore the rule of the people. The taxpayers' money can no longer be used to coerce, intimidate, and corrupt the voters of the Nation. It will protect the sanctity of the ballot, safeguard our liberties, and insure free, honest, and clean elections. I regard it as the most important bill that we have had an opportunity to consider in many years, and it affords me very great pleasure to speak and vote for it.

Section 1 makes it unlawful for any person, whether he is an official or private citizen, to intimidate, threaten, or coerce, or even attempt to threaten, intimidate, or coerce any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose.

Section 2 makes it unlawful for any person employed in any administrative position by the United States or by any department, independent agency, or other agency of the United States, to use his official authority for the purpose of interfering with, or affecting the results of the election of President, Vice President, or Member of the House and Senate. And it makes it unlawful for any such official to take an active part or manage any convention, primary, or general election. This will prevent any such officials from making speeches, being delegates, and from taking any active part in any primary, convention, or general election.

Section 3 makes it unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by any act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

Section 4 makes it unlawful for any person to deprive, attempt to deprive, or threaten to deprive by any means, any person of any employment, position, work, compensation, or other benefit provided for or made possible by any appro-

priation of Congress, on account of race, creed, color, or any political activity, in support of or opposition to any candidate or any political party in any election.

Section 5 makes it unlawful for any person to solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political purpose whatever from any person having any employment or office under any act of Congress.

Section 6 makes it unlawful for any person to furnish or disclose or aid or furnish any list of names of persons receiving any relief or compensation or any other benefits from the Government to any campaign manager, committee, or political candidate or party.

Section 7 provides that no part of any appropriation made by any act of Congress for work relief or otherwise to increase employment by providing loans and grants for public works shall be used upon any person for the purpose of interfering with, restraining, or coercing any person from exercising his right to vote in any election as he or she may desire.

Section 8 provides for a penalty for the violation of any of the provisions of the other seven sections of this act of imprisonment for not more than 1 year and a fine of not more than $1,000, or both.

Section 9 provides that it shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government to use his official authority or influence for the purpose of interfering with an election or of affecting the results thereof. Neither shall such person be permitted to take an active part in any political management of any political campaign, and if any such person should violate the provisions of section 9 such person shall at once be removed from office.

This act does not reach the President, Vice President, or Members of the House and Senate, or members of the Cabinet as to political activity. It applies to the great army of appointed officials. It does not apply to the officials elected by the people. It not only applies to Federal officeholders, but it applies to all appointed officeholders of the State, district, or county wherein part of the funds of the United States Government are used in carrying on the activity, and in paying a part of the compensation of such offices. For instance, it includes those officeholders who are administering the old-age pension in the county and State as the Federal Government puts up one-half of the money. It includes county and State health officials where the Federal Government puts up part of the money to carry on the health activity and pays any part of the salary of the officials. It applies to the construction of buildings, roads, bridges, and other work in which a part of the money for the construction is furnished by the Federal Government. Of course, this does not apply to the elective officers of any city, county, or State whose officers are elected by the people and no part of whose salaries are paid by the Federal Government by appropriations of the Federal Government. However, the sections as to intimidation and coercion do apply to everybody.

This measure will go far toward bringing about clean government in the Nation. It will remove the coercion, intimidation, and corruption that have been so manifest on every side for a number of years. There is nothing so important to a free people as to have honest, clean, and free elections.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. DREWRY].

Mr. DREWRY. Mr. Chairman, I assume that every Member of this House is in favor of preventing pernicious political activities, whatever that phrase may mean. I assume also that every Member of this House, be he Republican or Democrat, is desirous of arranging our election laws so that every candidate may know that the elections are honestly conducted. With that in mind, I want to analyze very briefly this bill, Senate bill 1871, known as the Hatch bill. There seems to have been a great deal of confusion about this bill, judging by the debate and the statements that have been made on this floor.

There are 11 sections in this bill. Section 11 simply states that if any provision of this act is declared invalid the remainder of the act will not be affected thereby.

This leaves 10 sections. Of the 10 sections that are left in this bill, after eliminating section 11, this House has already passed upon 6. It is true that in the Emergency Appropriation Act that was approved by the President on June 30, 1939, those provisions were only temporary, that is, for a year, and this bill makes the same language permanent; but this House has already voted for six of the provisions in this bill.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. DREWRY. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I should like to call the attention of the gentleman to the fact that section 3 is a part of the Corrupt Practices Act, which was passed many years ago.

Mr. DREWRY. I was coming to that, I may say to the gentleman.

In addition to the fact that you have already voted upon six sections of this bill before you and have given your approval to them, as the gentleman from Pennsylvania says, the Corrupt Practices Act, which has been in existence since 1925, contains the language that is in section 3 of this bill. This leaves, therefore, section 1, section 2, section 6, and section 7.

Sections 1 and 7, to my mind, although I may be wrong in my legal interpretation, mean virtually the same thing. Both of them use the word "coerce" and are intended to carry out the idea of not coercing anybody in the exercise of his right to vote. That is the purpose of both sections. If they are the expression of the same thing, that leaves section 1 and section 6 as the only remaining sections, together with section 2 to be considered.

Section 1 states that it shall be unlawful for any person to intimidate, threaten, or coerce another in order to prevent him from voting, or for the purpose of attempting to influence his vote. No one could have any objection to that provision.

Section 6 states that it shall be unlawful for any person for political purposes to furnish or disclose a list of names of persons receiving compensations, employment, or benefits, and I suppose no one could object to that provision, although it would probably have no effect, as it could not be made effective.

This would leave to be considered the section that has caused most of the argument, section 2. Section 2 in its meaning is virtually the same as section 9 (a), which provides that there shall be no official authority used for the purpose of interfering with or affecting the election of certain candidates.

Now, the gentleman from New Mexico [Mr. DEMPSEY] has notified the House that he will offer an amendment, and that amendment the gentleman proposes to offer at page 4 to amend section 9 (a). My own idea about it is that it would make this bill better if it were offered to strike out section 9 (a) and section 2, his amendment covering both of them. His amendment provides:

> It shall be unlawful for any person employed in the executive branch of the Federal Government or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government or any agency or department thereof shall take any active part in political management or in political campaigns.

This proposed amendment covers the criticism made by the gentleman from Kentucky [Mr. ROBSION] with reference to the action of the Judiciary Committee of the House.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. DREWRY. Certainly.

Mr. HOUSTON. How would that affect the selection of delegates to a national convention and national convention activities?

Mr. DREWRY. There are a great many things in this bill, I will say to the gentleman from Kansas, that I do not believe any court in the land could pass upon without a great deal of thought and study, and even then with a great deal of uncertainty on the part of the judges who are sitting. I cannot answer a great many questions that might be asked about the interpretation of the phraseology of the bill. That is impossible. I do not believe any court will ever be able to do it, but what I am trying to do is to show, as well as I can, analytically, what the purpose of the bill is. With that idea in mind I would say to the gentleman that I do not believe it would keep them from participating in political activities to the extent that the gentleman mentions.

I read from the bill:

All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

That answers your question right there. If they are allowed to express their opinion on all political subjects, they could certainly do that anywhere, any place, to anybody they might have in mind.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. DREWRY. Certainly, sir.

Mr. MOTT. If your last interpretation is correct, what is the meaning of the prohibition against taking part in a political campaign?

Mr. DREWRY. That is something the courts will have to construe under this bill. That is all I can answer.

Mr. MOTT. The language of the Dempsey amendment in that respect is rather ambiguous, in your opinion?

Mr. DREWRY. I think so. I think a great deal of the phraseology of this bill is ambiguous.

Mr. MOTT. Does not the gentleman think it would be better, if we wanted to make the prohibition contained in the Dempsey amendment effective, to follow the language of the prohibition in the civil-service law?

Mr. DREWRY. If the gentleman can make obscurity less obscure by offering that amendment, I would suggest he do so. [Laughter and applause.]

Mr. MOTT. I was asking the gentleman's opinion because he is an expert and has made a great study of the subject.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. McLEAN].

Mr. McLEAN. Mr. Chairman, I intend to support this bill and hope it will become law, and that when it is the law it will be observed. A law is no more effective than the spirit behind it, and unless the provisions of this bill are better observed than those in existing law enacted for similar purposes it will be absolutely ineffective.

The political activity of Federal employees makes little difference to me. I have survived, notwithstanding their concerted efforts against my reelection. Their opposition was one of the best arguments made in my behalf. It is a reflection upon the intelligence of the American people to assume that, given a large army of persons on the public pay roll, elections can be controlled against their better judgment. If that is the situation, we have come to a very decadent state in our public thinking.

I have said that it is to be hoped that when this bill becomes a law it will be enforced. In view of the political hypocrisy accompanying the appointment of postmasters, there should accompany the enactment of this bill a pledge of its enforcement. There has been much talk about placing first-class postmasters under the civil-service law and prohibiting their pernicious political activity. Ever since the present administration has been in power the appointment of postmasters under the merit system as the result of examination to determine their fitness has been advocated; in fact, the people have been told such procedure was being observed. Those of us who have watched the course of events know that the law, the regulations made pursuant thereto, and the high-sounding declarations of those in power have been honored more in their breach than in their observance.

It is a safe challenge to make that no person has been appointed a postmaster who has not been recommended by some person in authority who knew that his political affiliations were friendly to the party in power. Alleged examinations to determine the fitness of applicants have been conducted, but this is how it worked: Whenever opportunity offered, a postmaster was appointed under a temporary commission pending the time when an eligible list could be established as the result of one of these so-called examinations. These temporary appointments were made on recommendation of local agents of the party in power. After a period of some weeks or months the incumbent temporary postmaster would be given a number of credits because of his experience. This would place him in such a position on the eligible list as to justify his choice for the permanent appointment.

There have been cases where the rating of the politically sponsored, even under this program, did not rise to the point of eligibility. In such cases the appointment was often deferred and the incumbent allowed to continue under his temporary appointment, or a reexamination was provided to enable him to qualify. In such cases as have come to my attention where an eligible might have been appointed—often when they had attained the highest rating—their quest for appointment inevitably led to the dispenser of patronage of the party in power.

I am willing to admit that if opportunity offers for me to make appointments to public office, I would not overlook those individuals who have been friendly or helpful to me in attaining my own ambitions. I do not, however, seek any opportunity to use political patronage in any campaign with which I may be connected. Everybody knows the famous quotation of the French philosopher to the effect that "Gratitude is a lively sense of appreciation for favors about to be received," and that one given an office to fill with 10 candidates for appointment will very likely come up with ingratitude on the part of the successful candidate and enmity toward him on the part of the other 9.

My experience has been that the difficulties resulting from making appointments to public office outweigh the advantages. The efficiency of the public service should be the first consideration of a public official in making an appointment to public office, and public officials having appointments to make attain the best advantage for themselves by disregarding political considerations and appointing persons who are efficient and insisting upon the proper discharge of their duties. He who would serve his own political future would make appointments with the single consideration of the capacity of the appointee for the particular office to which he may be appointed, rather than to his ability as a propagandist or solicitor in work apart, and which must necessarily detract from the proper discharge of his official duties.

Efficient administration of government will merit more favorable consideration to a candidate for reelection than an army of officeholders seeking the perpetuation of themselves in office. The present method of the appointment of postmasters is the most hypocritical political activity of modern times and one which the Democratic Party cannot look upon with any degree of pride.

It was established many years ago that the merit system should control in the appointment of persons to public office, and that the political idea that "to the victor belongs the spoils" should no longer be the measure by which appointments to public office should be made. If that principle had been adhered to there would be no reason, and hence no demand, for this legislation. But the New Deal, under pretense of emergency, saw fit to disregard the merit system and to provide in all legislation adopted that in making appointments to public office the provisions of the civil-service laws should not apply. But for this there would be no occasion for the enactment of this legislation. It is my hope, however, that our action here today may be the means toward the elimination of the activity of officeholders from pernicious political activity. [Applause.]

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, I am opposed, as much as any person in this House, to subjecting unfortunate people who are on relief to pay to any political party any sum from their miserable pittance. I do not know, although I have asked questions of Members of the House, whether this bill which we are now considering, or the Dempsey amendment, deprives people who are on relief of the right to speak their mind when it comes to politics. May I ask the acting chairman of the committee the question, Does this bill which we are now considering deprive those on relief of that right?

Mr. CELLER. No; it does not. He has a perfect right to express his opinions anywhere he wishes.

Mr. DUNN. Does the Dempsey amendment?

Mr. CELLER. The Dempsey amendment does not refer to section 5, it refers to section 9, which has nothing to do with that matter.

Mr. DUNN. Mr. Chairman, I am of the opinion that if the amendment deprives anybody of the right to participate in politics it is un-American.

Mr. CELLER. The Dempsey amendment does do that, outside of W. P. A. workers.

Mr. DUNN. I thank the gentleman for his statement.

It has been stated that certain newspaper reporters intend to find out what Members supported and what Members voted against the Dempsey amendment when the teller vote is taken. If the Dempsey amendment deprives citizens who are employed by the Government of the right to participate in politics, I am opposed to the Dempsey amendment, and I want the nawspapermen to make the print big enough that a blind person can see it. I am one who believes that every man has a right to advocate the philosophy in which he believes without molestation whether it be communism, socialism, nazi-ism, fascism, Hebrewism, Catholicism, Protestantism, Buddhism, Confucianism, Mohamedanism, and so forth. I maintain that one of the fundamental principles of our Government is based on freedom of speech, and I hope the day will never come that it will be discontinued.

Any person working for the municipal, State, or Federal Government should not be interfered with, regardless of what political party he or she desires to support. Every person in our country, or in the world, should have the right to advocate the kind of government in which he or she believes and also the right to support for political office any person in whom they are interested, regardless of creed, nationality, race, or color. [Applause.]

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman, when Hitler went into power in Europe he did not get there behind a phalanx of cold steel. Neither did he march in with a brigade of machine guns. He did not rise to power through force. He used a very fine, clever campaign of propaganda that made him Chancelor in the German Government. After he became Chancelor he immediately set out to take politics out of government and issued an ultimatum that no government employee be permitted to take part in politics. Through a very cleverly devised propaganda organization and the orders that took politics out of government, he established for himself the iron hand of dictatorship that is now oppressing the people of Germany and is a threat to world peace.

The membership of this body was blackmailed by the newspapers of this Nation in a clever propaganda campaign which echoed the actions used by those who have established totalitarian governments in Europe. This campaign started over a year ago and has gained momentum to such an extent that this bill is now before this House, which is supposed to take politics out of government.

The provisions of this bill will take away from the American people that inherent right that was handed down to them by our founding fathers, sanctified by the blood of American patriots. If enacted into law, it will deprive the American people of the right to express their opinion on Government, the right to take part in politics, and is beyond a doubt the furthest step that has been taken in the history of this Nation toward a dictatorship. This Nation was born in politics. Through politics it has advanced to the highest state of civilization known to man. Might I be so bold as to say to you who are about to destroy our democracy that as long as you have Republicans and as long as you have Democrats you will have neither communism nor fascism. But when you eliminate politics from government you will eliminate parties. When you eliminate political parties, you have set up a totalitarian dictatorship in the place of the greatest Government on this earth, and God forbid that that should ever happen. We do not need fascism to fight communism. Neither do we need communism to fight fascism. What we need is a strong, militant democracy to fight both of these evils. The only way we are going to continue a democratic form of government is to fight both of these evils and keep as an integral part of democracy those two great parties, the Republican Party and the Democratic Party, and join together in the common fight in behalf of democracy and eliminate the other elements that are about to destroy a free people.

Sometime ago a certain thing happened on the floor of this House and is contained in the CONGRESSIONAL RECORD of March 29 of this year. A scurrilous, blasphemous, prevaricating letter was placed in the CONGRESSIONAL RECORD wherein the Ontonagon Board of County Road Commissioners in my district notified a certain Member of this House and Colonel Harrington that I used the W. P. A. during the last campaign. I accepted his challenge and interviewed Colonel Harrington's organization and requested that they send investigators into my district and get the facts. The investigators went to my district and found the charges contained in this letter to be wholly unfounded and untrue. They did, however, find that the signers of this letter were themselves guilty of using W. P. A. funds, W. P. A. gasoline, and W. P. A. property for their own use and benefit in violation of the law to the tune of hundreds of dollars.

It is my understanding that they are offering to pay it back to the Government. They certainly should return that which they obtained illegally, but that should not prevent a prosecution in the courts of this Nation of those men guilty of misusing relief funds.

The waste, graft, and corruption that was rampant through local Republican officials was very cleverly used to besmirch the present administration. We should have more stringent enforcement of the laws that are now on the statute books to eliminate pernicious political activity instead of trying to shackle the American people by a monstrosity known as the Hatch bill.

The Government employees are just as honest, just as clean, just as high-minded, and just as much interested in Americanism and clean politics as you Members on the floor of this House. They are entitled to their rights as American citizens. The Government employees will insist on their rights as American citizens and will not peacefully submit to an abrogation of those rights.

I see beyond the provisions of this bill the somber specter of monopolistic price-fixing corporations reaching out for control of this Government again. If they ever obtain control as they did under the Republican regime, we will bid good-bye to democracy in this Nation. This is not a bill to eliminate pernicious activity but a bill to reestablish monopolies as the controlling power in the economic structure of this Nation.

The majority party should carry on in the interest of good government and in the interest of the great mass of people, protecting our democratic rights under the Constitution of the United States and not take away those rights from the people.

You may have force enough in this body with the solid Republican phalanx and a few renegade Democrats to place this bill on the statute books of the Nation but you will not have the power or the ability to enforce the unreasonable provisions of the bill, and a law that cannot be enforced is not a law in the eyes of free-thinking people. That was proven when prohibition was put into effect and then later

wiped out by the will and the opinion of the people of this Nation. After all, public opinion is law in a free nation. Public opinion shall rule.

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, this debate has been long and there has been complete discussion of the subject matter, but no one has gone into the genesis of the Hatch bill. Historical genesis ofttimes means much in legislation, because legislation is seldom offered to the Congress unless there is a specific reason suggesting the legislation. In the last Congress, when it was charged on the floor of the House and in the other body that the relief agencies were being prostituted for political purposes, the Senator from New Mexico, Senator HATCH, offered a resolution in the Senate to prevent such pernicious activities in the campaign of 1938. That resolution was defeated in the Senate, but as a sort of palliative or substitute there was set up an investigating committee to determine if and when relief funds or workers were being used for political purposes. That committee organized and was presumed to advise the Senate after the election as to what pernicious activities had been indulged in during the election. The result was to lock the barn after the horse was stolen so far as the 1938 election was concerned.

After the election was over the Sheppard committee made a thorough investigation, and as a result of that investigation the Hatch bill which is now before us was prepared. The bill passed the Senate unanimously, without a single dissenting vote. It came to the House, and in the ordinary course was referred to the Committee on the Judiciary. That committee, following its usual custom, proceeded to analyze the bill. It was reported favorably with a few amendments by the subcommittee to the full committee. Along about that time—and I am stating nothing excepting what has appeared in the press, I am divulging no committee secrets—two of our members were summoned to the White House, the acting chairman of the committee and the chairman of the subcommittee, and then we began to read much in the newspapers about the dehorning and the emasculating of the bill.

As a matter of fact, the committee did give consideration to and did place the amendments in the bill which appear today. Now, that was not a united committee. That was not a political committee vote, because there was some division, but those amendments were not all supported by all members of the Judiciary Committee.

Mr. CELLER. Will the gentleman yield?

Mr. MICHENER. Briefly, yes.

Mr. CELLER. I will say to the gentleman that the section 9 amendment, that appears in the bill today, was offered by one of the gentlemen on your own side of the aisle and was unanimously adopted by the Judiciary Committee.

Mr. MICHENER. I just want to take exception to the fact that it was unanimously adopted. Personally, I voted against it. I see at least one Member on the majority side whom I know voted against it.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes; I yield.

Mr. HEALEY. I know the gentleman always is fair and means to be fair on this occasion.

Mr. MICHENER. Surely I want to be fair.

Mr. HEALEY. I know he does not want to create an inference that is not based on fact.

Mr. MICHENER. No.

Mr. HEALEY. Now, as a matter of fact, as the gentleman from New York [Mr. CELLER] has just stated, one amendment was offered by one of the gentlemen's own Republican colleagues.

Mr. MICHENER. Possibly that is true. To save time, I will concede for the sake of this argument that Republicans voted for some of the amendments and that some of the amendments were offered by Republicans. But I am one Republican who did not agree with all of those amendments.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MICHENER. So that the bill comes to us today with those amendments. The bill, as it came from the Senate, was a drastic bill. The bill, as it came from the Senate, was undoubtedly written to perform a purpose, to do a job, to perform a function; and it does that job to the queen's taste. Now, there are some things in this bill as it came from the Senate that are a little more drastic than I would prefer, but the House bill as reported by the House Committee on the Judiciary and which the acting chairman of the committee is going to support, is perfectly harmless. You have taken away the things from the Senate bill that are potential, vitalizing, and effective. So that there is nothing much in the House bill, as suggested by the chairman of the Democratic National Congressional Committee, the gentleman from Virginia [Mr. DREWRY], who is always fair, who is always honest. He tells us that this bill, as we have presented it, does not accomplish much. He even thinks that with the Dempsey amendment it will not accomplish much. By defeating these amendments the bill can be restored to its effectiveness.

I wish it would accomplish more, and I think it would accomplish more as sent here as the Hatch bill by the Senate and without the Dempsey amendment. I would like to discuss all those amendments, but time prevents.

I am going to support section 9 of the Hatch bill. I shall support the Dempsey amendment if section 9 is mutilated, but I shall offer an amendment to perfect the Dempsey amendment. When that amendment is offered I hope you will give it attention. In substance it is this: The Dempsey amendment sets up just about what the Hatch bill does in the first part. Then it proceeds to exempt from the operation of the law certain classifications, beginning with No. 1 and going through No. 4. In No. 2 it exempts from this law "persons whose compensation is paid from the appropriation for the Office of the President."

Now, it is undoubtedly the intention of Mr. DEMPSEY to include therein the President, his secretariat and other officers in the Executive Office; but he has forgotten that we passed the Reorganization Act; that the President has submitted to Congress two reorganization bills, and that those reorganization bills take under the Executive wing many activities. For instance, the Emergency Council, the Budget, and a number of other activities which will receive their compensation through appropriations made to the Executive Office. The Dempsey amendment would exempt those activities from this law.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WALTER. I take it that the gentleman is opposed to the Dempsey amendment?

Mr. MICHENER. I think the Dempsey amendment is a great deal better than section 9 with the committee amendment, but I think the Dempsey amendment can be improved upon, and I think the gentleman, when he understands it, will vote with me on that feature. [Applause.]

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS of California. Mr. Chairman, I have tried to listen carefully to this debate. I am of the same mind as I was in the beginning. I intend to vote for the bill. I intend to vote for the Dempsey amendment. [Applause.]

I just want to say a word about the partisan angle that has been injected into this. I hope very much that if this bill is passed, the Republican Party will not repeal it the first time they get into office, as they recently repealed, in the State of Michigan, the best civil-service system that State ever had, built up under Governor Murphy.

I feel this way about it: I think that the job of government is becoming more and more important in human life as time goes on. I think it is up to us to try to do the best we can to establish a truly efficient administration of government based on merit. That is the reason I am for this legislation.

Furthermore, I would like to be able to do my real job as a Congressman. Naturally, as long as people need work and as long as there is any chance that I can help them get it

and be able to support their families I am going to try to help. But I would like to have more time to do my real job, and I am not going to be particularly worried if it is not possible for me to spend a lot of time on employment matters which I ought to be spending on things that are much more important to the Nation as a whole. I am convinced, furthermore, that there is the important consideration in matters of appointments that people be chosen on the basis of qualifications. [Applause.]

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. WALTER].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 8 minutes.

Mr. WALTER. Mr. Chairman, I have become so accustomed on the Judiciary Committee to seeing legislation reported unanimously that I was not surprised in the slightest degree when this measure, into which politics could very easily find its way, was reported unanimously and without a minority report being filed against any provision of the bill.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Michigan, of course.

Mr. MICHENER. The gentleman understands, does he not, that it was understood that the members of the committee could offer such amendments as they saw fit.

Mr. WALTER. I distinctly recall that 2 days after the bill had been reported and certain newspapers started a campaign we found that members of the committee suggested that perhaps amendments would be offered when the bill came up for consideration.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I shall be very pleased to yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I certainly do not want to take issue with my distinguished friend from Pennsylvania. I merely call to his mind the fact that before we voted on the bill in its final stage I propounded the inquiry as to whether a vote in favor of the bill would preclude any member of the committee from opposing any amendment which the committee suggested.

Mr. WALTER. I distinctly recall that.

Mr. McLAUGHLIN. And it was agreed that it would not.

Mr. WALTER. I distinctly recall that incident, I may say to my friend from Nebraska, and that occurred at a time when we very nearly struck out of this bill the only controversial section in it. It was by difference of just one vote that section 9 was retained in the bill. It was at that time that the gentleman from Nebraska suggested that perhaps he would offer some amendment when the bill came up on the floor.

During the course of the debate this afternoon no one has seemed to catch the significance of section 2 of this bill; namely, it makes it illegal to use official authority to influence or affect the election of any candidate. As I remember, "official authority" means whatever is done under color or by virtue of office, and I quote from Sixty-seven Atlantic, page 320:

> All acts of officials are not official acts, but only such as are done under some authority derived from the law or in pursuance of prescribed duties.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. WALTER. In just a moment.

Mr. Chairman, there is nothing in this measure that anyone need fear. Our committee considered this problem calmly and carefully, and when we took it up it was with the idea of eliminating pernicious political activities and nothing else, and, with the knowledge that there were certain political activities that were pernicious, we attempted to attack the problem.

Concerning the report of the Sheppard committee, permit me to say that the recommendations made by that committee were dealt with in the relief appropriation bill. It is a question in my mind whether we ought to write permanent legislation to meet a temporary situation. I welcomed, however, the opportunity to go further with things that have occurred in W. P. A. than was done at a time when the relief appropriation bill came up. Let me say to you that in my State those people who were masquerading as Democrats last year—the year before they were Republicans, and today I am sure they are Republicans—did things that made a great many people ashamed of the fact that they were members of the great progressive Democratic Party. By resorting to practices that I did not approve of, by a short-sighted program that anyone could see would bring opprobrium to our relief program, many unfortunates have been deprived of employment through the failure of political subdivisions to sponsor new W. P. A. projects. The opponents of our work-relief program were quick to take advantage of the abuses that unfortunately crept into the W. P. A. set-up and by continuously pointing to those abuses diverted the attention of the masses of our people from the benefits so many of our unemployed workers, merchants, and all classes of our people derive from the purchasing power provided by the W. P. A. program.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. PARSONS. Will the gentleman explain what the word "influence" means as used in both sections 2 and 9?

Mr. WALTER. "Influence" certainly does not mean the prestige of one's position, if that is what the gentleman has in mind. There need be no fears about that at all.

Mr. PARSONS. Where is the meaning so restricted?

Mr. WALTER. Using an official position to influence certainly does not mean that a man who occupies an office to which there is some prestige cannot express his opinion and advance arguments in any forum in this land.

Mr. PARSONS. Mr. Chairman, will the gentleman yield further?

Mr. WALTER. I yield.

Mr. PARSONS. I call the gentleman's attention to the fact that the language of the bill reads "official authority or influence."

Mr. WALTER. That is right. "Official influence" means just this, may I say to my friend from Illinois, that a man on the Federal pay roll could not offer to refrain from doing a duty imposed upon him by law, or could not threaten to do something in violation of his oath of office. That is all that language means.

Mr. BARRY. Does the gentleman believe that if a Member of Congress whose only income is his salary hires a man to nail some posters on trees, political activity, for which the Congressman pays the man $3 a day, that it would be a violation of this language?

Mr. WALTER. Of course not, and section 3 does not mean that.

Mr. BARRY. May I read it to the gentleman?

Mr. WALTER. I have seen it before. It certainly does not mean that, and no one believes it means that. That language was put in to prevent the improper use of Federal appropriations for works projects where part of the money expended comes from a political subdivision of the United States and the rest of it from the United States.

In order to strengthen that portion of the bill and in order to make it certain that no one can play politics with the relief program we inserted that language in the measure.

Mr. McDOWELL. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Pennsylvania.

Mr. McDOWELL. The gentleman said there was nothing in this bill that anyone could be afraid of.

Mr. WALTER. I mean as far as the opposition of some of the membership of this body to the pending measure is concerned; but there is ample in this measure to bring fear to people who want to make it a practice of engaging in practices that in my opinion are reprehensible.

The gentleman from Virginia said that sections 2 and 9 should be stricken from the bill and the so-called Dempsey

amendment substituted. May I say in that connection if you strike out section 2 of the bill, then there is no punishment for the things for which we feel there should be punishment. For this reason section 2 should remain in the bill, because if that is stricken out and if section 9 is stricken out and the Dempsey amendment substituted, there is absolutely no authority in anyone to enforce the provisions of the Dempsey amendment. It is simply an idle gesture and will weaken and destroy the bill. It will certainly make possible some things we do not desire to have exist.

As far as the language that was deleted is concerned, which my distinguished friend from Kentucky mentioned in his discussion, that language on page 2, line 19, was taken by the committee from the civil-service regulations. We did not feel that harsher conditions should be imposed upon the people covered by this bill than are imposed upon people who are in the classified service.

I appeal to you to support this bill in its present form. It represents the careful work of a committee that has always been proud of the fact that it is careful.

[Here the gavel fell.]

The CHAIRMAN (Mr. BUCK). All time has expired. The Chair desires to make a statement.

The debate on this bill has gone on so harmoniously this afternoon that the Chair has not felt it necessary to strictly enforce the rules of the House. The Chair anticipates there will be a large number of amendments offered to the pending bill and that a number of Members will rise to their feet, either to interrupt those who are speaking or to offer amendments. The Chair will therefore request all Members to adhere strictly to the rules of the House and to address the Chair before seeking recognition either to offer an amendment or to interrupt a speaker.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person to intimidate, threaten, or coerce, or to attempt to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives at any election held solely or in part for the purpose of selecting a President, a Vice President, a Presidential elector, or any Member of the Senate or any Member of the House of Representatives.

Mr. IGLESIAS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 2, line 5, after the word "Representatives" insert a comma and the following words: "Delegates or Commissioners from the Territories and Insular Possessions."

The same to be inserted at page 2, section 2, line 16, after the word "Representatives" insert "Delegates or Commissioners from Territories and Insular Possessions."

Mr. CELLER. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the Resident Commissioner from Puerto Rico [Mr. IGLESIAS].

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. It shall be unlawful for any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), to use his official authority for the purpose of interfering with, or affecting the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives: *Provided*, That nothing herein shall be deemed to affect the right of any such person to state his preference with respect to any such candidates or to vote as he may choose.

With the following committee amendment:

Page 2, line 18, strike out the words "vote as he may choose" and insert "participate in the activities of a political party."

Mr. McLAUGHLIN. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. Chairman, as stated in my remarks in general debate it was my intention to propose an amendment which would place the bill before the House in the same form and in the same condition in which it came from the Senate. I find it is not necessary for me to propose the amendment in order to accomplish that purpose but that the purpose I have in mind will be accomplished if this committee amendment is voted down.

As has been stated repeatedly, the members of the Judiciary Committee in the discussion of this bill in committee and in executive session reached the agreement that a vote for reporting the bill favorably would not preclude any Member proposing an amendment on the floor of the House; consequently I am taking the position I do, in accordance with that agreement.

Section 2 as it came from the Senate contained a proviso reading as follows:

Provided, That nothing herein shall be deemed to affect the right of any such person to state his preference with respect to any such candidates or to vote as he may choose.

The committee submitted an amendment, which is pending before the House at this time, reading as follows:

Page 2, line 18, strike out the words "vote as he may choose" and insert in lieu thereof "participate in the activities of a political party."

This would make the complete proviso read as follows:

That nothing herein shall be deemed to affect the right of any such person to state his preference with respect to any such candidates or to participate in the activities of a political party.

Mr. Chairman, I am of the opinion that this is in contradiction of the section itself. The complete section—section 2—reads as follows:

It shall be unlawful for any person employed in an administrative position by the United States—

And so forth—

to use his official authority for the purpose of interfering with, or affecting, the election of any candidate for the office of President, Vice President—

And so forth. The committee amendment would permit persons to participate in the activities of a political party who are prohibited by another provision of the section from interfering with or affecting the election of the candidates named in the bill. I submit if we are to carry out the intention of this worthy measure it is necessary for us to strike out the committee amendment and put the bill in such shape that it will forbid those who are affected by this bill not only from using their official authority for the purpose of interfering with or affecting the election of any candidate for the office of President, Vice President, and the other offices named, but will also forbid them from participating in the activities of a political party. It is only by the striking out of the committee amendment, in my opinion, that the intention of this bill will be carried out and the bill will be made a vital force legislatively in this country.

I approached the consideration of this bill from a nonpartisan standpoint. I have heard partisan discussion here today, but I submit that it should not control our action. We are legislating for all time, not for any particular situation in any particular State. Let us legislate correctly. Let us clean the situation up when we have an opportunity to do so. I ask that the committee amendment be voted down. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I rise in support of the committee amendment.

Mr. Chairman, I have the greatest respect for my friend from Nebraska, but I certainly cannot understand why he is willing, when he talks about our legislating for all time, to write into the law anything as ridiculous as this language, which was in the bill when we first took it up, giving a person the right to vote as he may choose.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. No; I cannot yield.

I cannot imagine our doing anything that would appear more ridiculous to any person who has any idea at all of the fundamentals of our law and our Constitution than to make a gesture that we are giving a person by statute a right that cannot be taken away from him. The right to vote is a right that cannot be affected no matter what we do or what we do not do. The language with reference to giving a person the right to participate in the activities of a political party was inserted in this section because that is the exact language of the civil-service rule in connection with employees under the classified service. Certainly, if those employees have the right to participate in the activities of a political party everyone who is in the administrative branch of our Government ought to have that same right.

Mr. Chairman, I urge the Committee to support the committee amendment.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Massachusetts.

Mr. HEALEY. I should like to call the attention of the gentleman to the fact this language refers to person in the nonclassified civil service.

Mr. WALTER. Exactly.

Mr. HEALEY. The right to participate in political activities is retained as to those people.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. The gentleman is aware, I am sure, that I am much opposed to the inclusion of the words "vote as he may choose."

Mr. WALTER. I should think so.

Mr. McLAUGHLIN. I so stated in the committee. However, my amendment would strike out the words "participate in the activities of a political party."

Mr. WALTER. And leave this perfectly ridiculous language in the bill?

Mr. McLAUGHLIN. I would like to have the other language stricken out.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wish the Members of the House would take the time to refer to the CONGRESSIONAL RECORD and read what happened in the Senate when the Hatch bill first appeared in that Chamber. There was not even a reading of the bill because the reading was dispensed with. Only one or two questions were asked, and ipso facto the bill became a statute as far as that Chamber was concerned. It was dumped into our lap, and the Committee on the Judiciary has worked arduously and labored fearlessly to bring you a bill which you can now in good conscience accept.

We have examined carefully the civil-service rules, and as the gentleman from Pennsylvania has indicated to you just now, we added these words "participate in the activities of a political party" because the civil-service rules say that such employees—that is, those in the nonclassified positions—may engage in politics provided they do not use their official authority or influence for the purpose of interfering with an election or affecting its results. We say no more, we say no less, than is called for by the civil-service rules as to nonclassified service.

Mr. MOTT. Mr. Chairman, will the gentleman yield for a question?

Mr. CELLER. I cannot yield now.

Let me go back into history a little for you. During his first Presidential election the President, in August 1932, summoned to help him in his campaign the following Senators: Senators Pittman, Walsh, Robinson, Hull, King, Byrnes, and Johnson of California. He invited them by saying, "Between now and the end of the campaign a good many matters for immediate decision will arise—matters relating to issues and policies of various kinds—and I am asking a small group to hold themselves in readiness for consultation. This will not be in any sense a formal advisory committee but only a few people whose judgment I value." If this bill had been in effect as it was written in the Senate at that time, August 1932, or if it had been in effect as the gentleman from New Mexico would have you write it, the President would have been deprived of the right to take advice and counsel on party matters from the Senators I have mentioned. Remember, section 2 prohibits political activities—practical political activities—of a member of "any department." That means even Senators or Representatives. Of course, they cannot use their so-called official authority for political purposes. But where does official authority end and private capacity begin? Who knows? I do not.

Mr. DEMPSEY. When the gentleman states the gentleman from New Mexico [Mr. DEMPSEY] would not want the Senators or the Representatives to be politically active he is making a mistake.

Mr. CELLER. Then I say the gentleman ought to read the bill all over again, and read section 2, because section 2 provides as follows, and it is well to keep this in mind—

It shall be unlawful for any person employed in any administrative position, or by any department—

Any department of Government that means.

Mr. MASON. "Administrative."

Mr. CELLER. Wait a minute; I have the floor. I repeat—

It shall be unlawful for any person employed in any administrative position by the United States—

The comma is after the words "United States"—

or by any department, independent agency, or other agency of the United States, to use his official authority.

It does not mean administrative position in any department.

Now turn to section 9.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I refuse to yield.

Turn to section 9, and you will find this:

All such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, but they shall take no active part in political management or political campaigns.

That is broad language. I say that the gentlemen of the House should consider carefully what they are doing before they vote on this amendment. I ask them to vote for the Judiciary Committee amendment, because it is a sound and it is a sane amendment. [Applause.]

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, the title of this bill is: "An act to prevent pernicious political activities."

The word "pernicious" is defined in Funk & Wagnalls Standard Dictionary as: "malicious, wicked, baneful, deadly, destructive, evil, harmful, hurtful, injurious, mischievous, noxious, perverting, ruinous."

Now, what are the prohibited political activities which exhaust the vocabulary of bad words in the dictionary? They embrace all the political rights and privileges of American citizenship except one. I have not the time to enumerate them all, but I can name a few: attending a precinct caucus, attending a county convention, attending a State convention, attending a national convention, making a political speech, publishing an article on any political subject, writing a letter on any political subject, publicly expressing an opinion on any political subject, advocating the election of any candidate for office, expressing an opinion about any candidate for office, affiliating with any political party, contributing money or any form of aid to a political candidate, or party.

In sum, any of the activities inherent in the political institutions by means of which the Government was created and is maintained. Any such activities are prohibited to "any person employed in any administrative position by the

United States, or by any department, independent agency, or other agency of the United States."

All the activities I have enumerated, and countless other incidental activities, are calculated to or may "affect" an election and come under the ban of the law.

I have some definite rules which I put into practice regarding the activities of a Member of Congress. I never ask an applicant for a job what his politics are. I have never asked a postmaster, and that is all the patronage I have had, to attend a caucus or a convention for me, and I have never asked or received a dollar from one, in my campaigns or otherwise.

I voted to put them under civil service and beyond my power to influence their action in any way, even if I so desired. I am in favor of the civil service and have voted for every measure to maintain and extend and bulid up the civil service since I have been in Congress.

But there is one feature of the civil service to which I have never become reconciled, and that is the feature which completely strips a citizen of the exercise of all his political rights and privileges except that of voting, and thereby unfits him to participate in the affairs of the Government.

There is nothing new in my views on this subject. One provision of this bill, section 2, recalled to my mind an utterance by me on the floor in the Sixty-second Congress when the House had up a kindred proposition, and I have taken the trouble to look it up in the RECORD. The House had under consideration a post-office appropriation bill which contained a section having the effect of nullifying an Executive order issued by President Taft, which was modeled on an order issued by President Theodore Roosevelt, against certain activities of all civil-service employees. The gentleman from Illinois, Mr. Mann, moved to strike the section from the bill. May I be pardoned for reading a short paragraph from the CONGRESSIONAL RECORD of April 30, 1912, page 5635, punctuated as it appears in the RECORD:

> Mr. MARTIN of Colorado. I want to say that I do not believe in the denatured Americanism that results from these Executive "gag" orders. [Applause.] I think the sacred rights of American citizenship too high a price to pay for any job, even under Uncle Sam. [Applause.] And I sincerely hope that the House will emphatically and overwhelmingly sustain the action of the committee in this matter, reestablishing the full citizenship rights of Government employees, and so put the attitude of Congress on this question forever beyond dispute. [Applause.]

The interesting finale appears on page 5639. I quote:

> The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Mann] to strike out the section.
> The question was taken; and on a division (demanded by Mr. Mann) there were—ayes 1, noes 132.
> So the amendment was rejected.

At that time the Republican Party had been in power continuously for 16 years, 16 long years, so there could not have been many Democrats affected by the gag order, and there could have been no politics in the unanimity of the vote against it.

The word "denatured" had been current for some time in a controversy over denatured alcohol, and I merely appropriated it. Its application made the newspapers and survived in the Chamber for some time. I have changed my mind about some things in the last 30 years, but not that thing, which makes political eunuchs of American citizens.

But the appointees to which section 2 of this bill applies are not even in the civil service. They, like us, owe their places to the putrescent mire of politics. Like us, they are lilies floating for a time on the scummy bosom of a frog pond, sustained by all the activities condemned by the bill. Like us, when the returns go wrong, they fold up. They do not get their mess of pottage in exchange for the loss of their rights of citizenship. If you want to put them under civil service and make their tenure permanent, bring in your legislation, and I will support it. Until then, I shall adhere to my ancient rule against "gag" laws and support the committee amendment to section 2. [Applause.]

Mr. THOMAS F. FORD. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, section 2 of this bill would bar every employee of every National or State bank in the United States in which the R. F. C. held preferred stock, and if you do not believe it, listen to this:

> It shall be unlawful for any person employed in any administrative position by the United States, or by any department, independent agency, or other agency of the United States (including any corporation controlled by the United States or any agency thereof, and any corporation all of the capital stock of which is owned by the United States or any agency thereof), to use his official authority—

And so forth. For, my friends, national banks, at least, are instrumentalities of the Federal Government, and this section would apply.

Mr. WALTER. Will the gentleman yield?

Mr. THOMAS F. FORD. Not just now.

Why, gentlemen, you are going clear out into the private banking field. There is another section of this bill I would like to call your attention to, and that is section 6.

Section 6 states:

> It shall be unlawful for any person for political purposes to furnish or to disclose, or to aid or assist in furnishing or disclosing, any list or names of persons receiving compensation, employment, or benefits provided for or made possible by any act of Congress appropriating, or authorizing the appropriation of, funds for work relief or relief purposes to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

Now, Mr. Chairman, right there you are laying any candidate open to having his opponent secure a list of names from W. P. A.—they may be 2 years old—and taking those names or sending them into this man's campaign office by a spy, leaving them there and then reporting it and having them discovered and in this way put the candidate in a very embarrasing position, to say the least.

The only amendment to this bill I can vote for with enthusiasm is one to strike out the enacting clause.

Mr. MOTT. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

> Amendment offered by Mr. MOTT as a substitute for the committee amendment:
> On page 2, in line 16, after the word "Representatives" as amended, change the comma to a period and strike out the remainder of the section.

Mr. MOTT. Mr. Chairman, a careful reading of section 2 of this bill will disclose the fact that there is only one prohibition contained in it, and that is the prohibition against a Federal employee using his official authority for the purpose of trying to interfere with or to influence an election. This is the whole subject of the section. It does not prohibit an employee taking part in politics. It does not prohibit an employee, as such, from doing anything except using his official position and authority to interfere with or to affect the election of candidates for Federal office. Now, that being the fact, and it is a very obvious fact, the proviso in this section is absolutely without any meaning at all and it should therefore be stricken out.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. BULWINKLE. Then I understand that if a district attorney were to make a speech, he would always start out his address to the voters by saying, "I am not in my official capacity." This is all he would have to say, and he would be clear. Is that right?

Mr. WALTER. If the gentleman will yield, that does not say official capacity, it says official authority.

Mr. BULWINKLE. Then he would say, "I am not acting under my official authority."

Mr. MOTT. I will be glad to answer the question. The answer is this: A district attorney making a speech in a political campaign would not, in my opinion, be using his official authority to interfere with or to affect an election. He would be acting as an individual. Certainly there is nothing in the language of section 2 that could possibly be

construed as prohibiting a district attorney or any other Federal officer from making a campaign speech or from otherwise participating, as an individual, in other political activities. That is not the purpose of this section.

There are provisions in other sections of the bill which prevent active participation in political campaigns by certain Federal employees, but the only thing this section prevents is the use of official authority for the purpose of influencing an election, and therefore the proviso which refers to something entirely outside the scope of the section makes no sense.

Mr. BULWINKLE. Who then construes when that man is using his official authority?

Mr. HANCOCK. It is made a crime and the grand jury would determine that.

Mr. BULWINKLE. He must not use his official authority, but who construes that?

Mr. MOTT. The jury would have to decide whether the act done by the official constituted a use of his official authority for the purpose of influencing an election, because this law could be enforced only by bringing a criminal action against the alleged violator of the law.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. MOTT. Yes; I yield.

Mr. HEALEY. Then if the gentleman's language is adopted, I understand he believes it will be perfectly all right for one of these employees to participate in political activities, as long as he does not use his official authority.

Mr. MOTT. No; I did not say that at all. My statement was that the only prohibition in section 2 is a prohibition against the use of his official authority by an executive employee for the purpose of interfering with or affecting an election. That is the sole and entire subject of the section. That being the case, will the gentleman from Massachusetts tell me what is the sense of that proviso? I say it should go out. The prohibition is complete in itself, and the proviso means nothing. There are other sections in the bill, as I have stated, and other amendments to be offered, to take care of that matter, but it does not belong here.

Mr. HEALEY. I am inclined to agree with the gentleman's point of view, but the language was offered to conform to the civil-service rule, and the interpretation of the civil-service rule as contained in their regulations.

Mr. MOTT. I do not agree with that at all. The civil-service rule that the gentleman is speaking about is a rule preventing employees from taking an active part in politics. That is not the subject of this particular section at all. The subject of this section is the use of official authority and nothing else. Therefore the proviso, which deals with another subject, is meaningless and it ought to be stricken out.

Mr. WHITE of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MOTT. I yield.

Mr. WHITE of Ohio. A moment ago the gentleman from California [Mr. THOMAS F. FORD] stated that this section would deny the right of political activity to people employed in national and State banks. Is not that statement silly?

Mr. MOTT. Obviously, the gentleman from California was in error in making that statement, because this section does not undertake to prohibit Federal officials or employees from engaging in political activity.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word. I propose to support the position of the gentleman from Nebraska [Mr. MCLAUGHLIN]. If the committee amendment remains in this bill you have no prohibition against any political activity on the part of any employee of the Federal Government not in the classified service. This is an open invitation to every office boy and girl, every man and woman working in the Federal service whose salary is paid by the taxpayers' money out of the Federal Treasury, to take their coats off and get busy for the particular political party in power. I do not wish to discuss politics on this floor. This should be a nonpartisan matter and I resent some of my friends on our side saying, "Well, when the Republicans were in, see what they did. We ought to get the employee votes in when we are in power."

Our business here ought to be to clean up this situation now, and we all know that it is exceedingly bad. So far as I am concerned I want to see this committee amendment stricken from the bill, and I want to see the amendment they have placed in section 5 stricken from the bill also. In that section they absolutely went against the wishes of this House as expressed when we voted the relief appropriations bill on June 30, prohibiting any of that fund being used for political purposes. In this bill they prohibit only the solicitation from certified relief workers. Where the politics really come in is with the supervisors. There is no politics with the worker. He is driven and coerced by the supervisor, and these people are subject to all sorts of chiseling by treasurers and so-called treasurers of political parties of all kinds. I think both of these committee amendments should be stricken from the bill if we wish to have a clean piece of legislation passed by the House tonight.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. PARSONS. How many weeks does the gentleman think it will be after the Republicans come into power, if they ever do, before they will repeal this act?

Mr. DEMPSEY. I can say to the gentleman that if they repeal the act and resort to some of the things that have been done, they will not be in power very long.

Mr. RAMSPECK. Mr. Chairman, I move to strike out the last word.

Mr. CELLER. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. CELLER. I wonder if we cannot agree on time for debate on this section?

Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

The motion was agreed to.

Mr. RAMSPECK. Mr. Chairman, I have listened to some very interesting and sometimes humorous statements on the floor this afternoon. The gentleman from Kentucky [Mr. CREAL] talked about States' rights, when I think what he was interested in was candidate's rights. [Applause.] The gentleman from New Jersey [Mr. MCLEAN] complained about the method of appointing postmasters, when all of us who have studied the results under the civil-service laws while the Republicans were in power know that they never selected anyone but Republican eligibles, if there was one on the list sent to them. I am not quarreling about that.

Mr. BULWINKLE. Will the gentleman yield?

Mr. RAMSPECK. I am sorry I do not have the time. I am not quarreling about that, but we have here this afternoon a bill which its proponents say will prohibit political activity and the use of public employees as pawns in the political game, yet section 2, as reported by the committee, in my judgment, does not do anything in the world but reenact in part the substance of the Corrupt Practices Act, and a rule of the Civil Service Commission, applying not to civil-service employees but to employees not under civil service. Therefore, I find myself in agreement with the gentleman from Nebraska [Mr. MCLAUGHLIN] when he opposes the committee amendment permitting these employees to participate in the activities of a political party.

If you want to prohibit the use of public employees in politics, then you do not want the committee amendment in section 2. The reason I am supporting Mr. MCLAUGHLIN'S position on the matter is that I would like to put all of these people under civil service, and when you fellows who have been exempting them for the last 6 years get the handcuffs on them so that you cannot use them in politics, then I think you will be willing to vote to have them all put in civil service. [Applause.]

Mr. CELLER. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. CELLER. Those who are in the classified civil service can participate in the activities of a political party, can they not?

Mr. RAMSPECK. They cannot.

Mr. CELLER. Can they not go to a meeting?

Mr. RAMSPECK. Yes; they can go to a meeting and express their personal opinions as to who they are for. They can contribute to campaign funds, but they cannot take part in the activities of a political party, as I understand it. That is, they cannot manage a campaign, they cannot make a political speech, but they can go to all the meetings they want to, they can contribute all the money they want to, and they can express their personal opinion as to who they are for.

Mr. CELLER. But under the wording of this original section they could not do that. It was for that reason that we added that language, to make it conform to the activities that the civil-service employees can now perform.

Mr. RAMSPECK. I do not agree with the gentleman's construction of the section. I do not think the section does anything but reenact existing law.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. HARE. Under this wording, would not an employee be permitted to make a speech at a political campaign meeting?

Mr. RAMSPECK. Oh, I think unquestionably with the committee amendment in there he can do anything in the world that Jim Farley can do. [Laughter and applause.]

Mr. KELLER. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. KELLER. Why should we take away from any employee of the Government the right to get up and say what he wants?

Mr. RAMSPECK. It is a question of what you believe in. I know the gentleman does not agree with me about it, but I believe if we are going to maintain good government in this country and have a democratic form of government that is to survive, we have to remove the rank and file employees from being pawns in the political game. That is what I believe. [Applause.] The gentleman has a right to his own opinion and of course I do not quarrel with him about that. But I believe that the thing that is going to destroy this Nation, if it is destroyed, is political corruption, based upon traffic in jobs and in contracts, by political parties and factions in power.

Mr. KELLER. Does the gentleman mean to insinuate that when a man makes a speech he is corrupt?

Mr. RAMSPECK. Oh, not necessarily at all. But this is part of the game. The gentleman knows it as well as I do. The gentleman knows that in various places recently machine politicians have been convicted of corruption. Such practices tend to destroy the faith of our people in free government. In disgust people in other lands have accepted dictators.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. KELLER. And in Georgia?

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. FADDIS] for 3 minutes.

Mr. FADDIS. Mr. Chairman, I wish to take advantage of this occasion to congratulate the Committee on the Judiciary for acting as an efficient back-stop for the members of another body, who seem to take extreme delight in endeavoring to please organized minorities by enacting drastic legislation, in order that they may gain credit thereby, in the fond hope and belief that the House of Representatives will modify this legislation in a manner that will save them and the Nation from the disastrous effects of drastic legislation. [Applause.]

I also want to say to some of those who have preceded me that politics may be a reprehensible institution, but just the same I want to call their attention to the fact that politics and politicians built the grandest Nation on the shores of this continent that the world has ever seen. [Applause.] They may attempt to repudiate all that politics or politicians have done and pin their faith on some theoretical philosophy of government, such as the civil service; they may desire to take from the employees of the Government some of the rights of citizenship and say to them, "Because you are an employee of the Federal Government, you shall not participate in politics"; but I say to you that this is but the start of a system that may say to a man, "You may not participate in political activities because you are a member of the Elks Lodge or the Presbyterian Church, or some other organization." This legislation savors entirely too much of the principles of dictatorship to suit me.

It is a doctrine too un-American for me to follow. To be willing to write a law saying to the employees of the Federal Government: "You are holding a Federal job, you shall not participate in political activity" is the beginning of an invasion of the civil liberties of the American people.

I say to my friends on the Republican side who are supporting this measure that if the day ever comes that they are returned to power that they will either repeal it or modify it. They will use it as a knife to cut our throats and then repeal it so that they may operate in the time-honored manner which served to build up this Nation. I believe this bill to be a violation of the Bill of Rights, and therefore unconstitutional. Legislation is already in force regulating the political activities of those on relief and protecting those on relief from being exploited politically. We are all in favor of this safeguard for those on relief. There is no difference of opinion there. Since this matter has been taken care of in other legislation I hope this bill will be defeated. [Applause.]

The CHAIRMAN. The gentleman from Oklahoma [Mr. NICHOLS] is recognized for 5 minutes.

Mr. NICHOLS. Mr. Chairman, it has been stated many times on the floor during this debate that section 3 of this bill and other provisions of the bill were simply a reenactment of the Corrupt Practices Act. In the first place, if that were true it would not be necessary to pass this legislation. As a matter of fact, however, it is not true. So that the committee may be advised as to what the Corrupt Practices Act is I take this time to read it; it is very brief:

246. Statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives. (a) Every candidate for Senator shall file with the Secretary and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than 10 nor more than 15 days before, and also within 30 days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing:

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made; except that only the total sum of expenditures for items specified in subdivision (c) of section 248 of this title need be stated;

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in the previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election next preceding the election at which he is a candidate. (Feb. 28, 1925, c. 368, title III, sec. 307, 43 Stat. 1072.)

Now, let us go to section 249, which is headed "Promises or pledges by candidates."

249. Promises or pledges by candidates. It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy. (Feb. 28, 1925, ch. 368, title III, sec. 310, 43 Stat. 1073.)

The Corrupt Practices Act insofar as pledges are concerned stops there and goes no further. Under the Corrupt Practices Act you are prohibited from promising a person that if he will vote for you, you will attempt to get him a job. This bill does not stop there.

In just a few minutes I shall offer an amendment to strike section 3 from the pending bill and at that time will discuss it. My only purpose in taking this time was to read you the Corrupt Practices Act and to point out to you wherein it stops insofar as pledges and promises are concerned and then to point out the difference between that and section 3 of the pending bill and show you the ridiculous thing that we would do if we were to enact this bill into law.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Michigan [Mr. MICHENER] is recognized for 3 minutes.

Mr. MICHENER. Mr. Chairman, the gentleman from Oklahoma has been discussing section 3. That is not the matter before the House now. The matter before the House now is the amendment offered by the gentleman from Nebraska, a member of the committee, to include the language in italics on page 3. As has been stated by several Members, including the gentleman from Georgia [Mr. RAMSPECK], this is the heart of the section so far as the Hatch bill is concerned. Those who want to ruin the Hatch bill and want to make section 2 ineffective should vote for the committee amendment. Those who want to give some life, and some power to, those who want teeth in the section should vote against the committee amendment.

The committee amendment does not mean that all the members of the committee agreed to it. These amendments were adopted by a very close majority in the committee, and they were not political majorities. It is just a question of those who want to help accomplish what the Hatch bill attempts to accomplish as against those who want to destroy the purpose of the Hatch bill.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. RAYBURN. I think this bill as it came from the Senate, Members will agree, bears evidence of having been written in a great hurry. Why in the name of common sense the people who wrote this bill did not put section 2 and section 9 together is more than I can understand, because they cover practically the same matter and it would have shortened and simplified the bill. Furthermore, if the hurry had not been quite so great, in all probability they would have amended the Corrupt Practices Act instead of bringing out a bill like this.

Mr. HEALEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEALEY. Do I understand that all time has been consumed on this section?

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for 2 minutes.

Mr. HEALEY. Mr. Chairman, I hope the Members are aware of the effect of this language if it is kept intact without the committee amendment. It would place all Government employees in a strait jacket and prevent them from participating in any type of political activity.

The civil-service rules cover all persons in the classified service and do not permit any kind of political activities. The persons whom we seek to embrace in this section are those Presidential appointees and other unclassified persons who are not embraced in the classified civil service. The Civil Service Commission by its own interpretation states that the law does not literally apply to nonclassified public servants, that such persons may engage in political activities provided they do not use their official position or authority to influence or affect an election.

Mr. Chairman, it seems to me that is the objective that we seek to gain by this bill, because, as has so well been explained by the gentleman from Alabama [Mr. HOBBS], the civil service classified people have a quid pro quo for giving up their right to engage in political activities because they receive in return certain benefits and protection under the civil service; but these nonclassified public servants do not have such benefits or protection. I believe we ought to think well before we deprive them of rights that have always been considered inherent and constitutional.

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

Mr. McLAUGHLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McLAUGHLIN. Mr. Chairman, am I correct in my understanding that a "yea" vote on the pending motion will have the effect of striking out the words "participate in the activities of a political party" in lines 19 and 20?

The CHAIRMAN. The Chair will state the motion. The question is on the substitute offered by the gentleman from Oregon [Mr. MOTT]. The answer to the inquiry of the gentleman from Nebraska [Mr. McLAUGHLIN] is "no."

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the substitute offered by the gentleman from Oregon [Mr. MOTT] may be again read by the Clerk.

The CHAIRMAN. Without objection, the Clerk will read the substitute offered by the gentleman from Oregon [Mr. MOTT].

There was no objection.

The Clerk again read the Mott substitute for the committee amendment.

The CHAIRMAN. May the Chair have the attention of the gentleman from Oregon [Mr. MOTT]?

The Clerk has reported the gentleman's amendment as beginning after the colon. The gentleman from Oregon will recall that an amendment offered by the Commissioner from Puerto Rico was adopted. Is it the intention of the gentleman from Oregon to accept that amendment?

Mr. MOTT. It is the contention of the gentleman from Oregon that he offers this amendment as a substitute for the committee amendment.

The CHAIRMAN. But after the amendment already adopted, as offered by the Commissioner from Puerto Rico?

Mr. MOTT. Yes.

The CHAIRMAN. The Chair wants the record clear on that.

Mr. MOTT. The amendment offered by the Commissioner from Puerto Rico, which was adopted, would not affect this at all.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oregon [Mr. MOTT].

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts), there were—ayes 151, noes 90.

So the substitute was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended by the substitute.

The committee amendment as amended was agreed to.

Mr. PARSONS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PARSONS. Since the so-called Mott amendment has been agreed to there is nothing left of the committee amendment as far as the bill is concerned, is there?

The CHAIRMAN. The amendment offered by the gentleman from Oregon was offered in the nature of a substitute for the committee amendment. It was agreed to. Therefore, the Chair was under the necessity of putting the question on the committee amendment as amended by the amendment in the nature of a substitute, and that was agreed to by the committee.

Mr. PARSONS. But that strikes out the original House committee amendment.

The CHAIRMAN. The Chair will state that it strikes out the proviso.

Mr. MOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOTT. May I inquire if my understanding of the parliamentary situation is correct: This section as adopted includes the language down to the proviso, and nothing else. It includes that part of the section before the proviso.

The CHAIRMAN. The section as it now stands includes the printed language through the middle of line 16, with the

addition of the amendment offered by the Commissioner from Puerto Rico.

Are there further amendments to section 2?

Mr. HANCOCK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK: On page 2, line 14, at the beginning of the line before the word "of", insert "or the nomination."

Mr. HANCOCK. Mr. Chairman, may I be recognized on my amendment?

The CHAIRMAN. The Chair cannot recognize the gentleman for debate on the amendment. All time for debate on the section has expired.

Mr. HANCOCK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HANCOCK. Mr. Chairman, this section as written only goes half way toward our objective, if we are trying to cleanse and purify politics. It would permit high Government officials to use all the power and authority of their offices to control primaries and nominations while prohibiting them from doing likewise at Presidential and congressional elections.

Nominations are nearly as important as elections everywhere in this country and in some States they are far more important, because nomination in those States is equivalent to election.

My amendment makes this section applicable to nominations as well as elections. Bear in mind that the section does not forbid participation in politics. It merely prohibits the use of official authority to influence elections. If this is a bad practice, and I think it is, the prohibition against it should be extended to apply to primaries and conventions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. HANCOCK) there were—ayes 165, noes 55.

So the amendment was agreed to.

Mr. ANDERSON of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Missouri: On page 2, line 7, after the comma following the word "states" and before the word "or", insert the words "including members of the Cabinet."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 39, noes 127.

So the amendment was rejected.

Mr. VORYS of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VORYS of Ohio: On page 2, line 12, after the word "use" insert "or offer to use."

The amendment was rejected.

The Clerk read as follows:

SEC. 3. It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by any act of Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

With the following committee amendment:

On page 2, line 24, after the word "possible" insert "in whole or in part."

The committee amendment was agreed to.

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: On page 2, beginning in line 21, strike out the language in lines 21 to 25, inclusive; and on page 3, strike out lines 1 and 2, inclusive.

Mr. NICHOLS. Mr. Chairman——

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. No; I cannot yield.

Mr. Chairman, there is no one in the House who is more firmly and stanchly opposed to pernicious political activity than I am. I want to read you section 3 carefully, however:

It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation—

Listen—

or other benefit, provided for or made possible in whole or in part by any act of Congress, to any person as consideration, favor, or reward for any political activity—

Listen—

or for the support of or opposition to any candidate or any political party in any election.

I know the membership of this House does not want to enact that language into law because it will compel any man running for office, and any political party writing a platform for the party, to tell a deliberate falsehood and perjure themselves in order to obtain election to office. I submit that under the language of this section, if a candidate for office says, "If you will elect me I will attempt to get the old-age pension raised," that is a benefit; if you say to the farmers, "I will attempt to get an increase in the price of cotton, corn, wheat, hogs, cattle, or any other thing," that is a benefit; if you say, "If you will vote for me, Mr. Laboring Man, I will attempt to get you better working conditions," that is a benefit; and under the language of this section, if you promise any benefits and upon that promise anybody votes for you, then, under this section, you are not entitled to hold your office and are subject to $1,000 fine and a year's imprisonment.

I want to hear an explanation on the part of any Member of this House who can gainsay this statement. Why, no political party, Mr. Chairman, could write a platform under the provisions of this bill without perjuring itself, and every member of that party who subscribed to that political platform would be guilty of a falsehood if they said they did not hold out promise of benefits in the future. What is the purpose of political platforms? Ever since the beginning of time in this Nation political parties have got together in conventions, Republicans and Democrats alike, and they form and write a platform. That platform simply states things that the party stands for, things that the party hopes to do, if it is successful, and upon the basis of that pledge and upon the basis of that promise, as contained in the platform, they seek the favor of the electorate of this country. If this section remains in the bill you have falsified your statement when you take your oath of office, and the provision should be stricken out. [Applause.]

[Here the gavel fell.]

Mr. BARRY. Mr. Chairman, I rise in support of the amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARRY. Mr. Chairman, I rise in support of this amendment because I believe that the present language contained in the Corrupt Practices Act is sufficient to carry out the purport and intent of the section.

In addition to what the gentleman from Oklahoma has said, I want to call the attention of the House to language contained in this section which, if enacted into law, would, in my opinion, make the great majority of this body eligible for jail before next election day, and I am absolutely serious in making that statement.

I would like you to listen carefully to the language of this section:

It shall be unlawful for any person to promise compensation, provided for or made possible in whole or in part by an act of Congress, to any person as consideration for any political activity.

I know there are many Members of this House whose only compensation is the salary which they get as a result

of a congressional act. I contend if this language is followed, whenever you hire a man to go out, at a couple of dollars a day, and put up placards on trees or go around and distribute circulars with your biography on them, and you pay him and that sum is traced to your congressional salary, you are guilty of a crime under the language of this act. You will be putting yourself in a position where any crank can take advantage of the act. I know that is not the intention of the act, but any crank can have you indicted under this language and have you convicted. If you strike out this section we still have the Corrupt Practices Act which carries out the intent and purpose of this section. [Applause.]

Mr. DUNCAN. Mr. Chairman, I want to congratulate my good friends on the left—Republican side—for writing this legislation. I believe if they had been in charge of this Congress they could not have written a better political bill than they are writing today.

I want also to congratulate you on the fine wave of political reform which has come over you. I remember back in 1924 your political activities. I remember again in 1928, when I was a candidate. I remember the political activities of your party at that time. I remember them again in 1932. I am not complaining about it. You had a perfect right to do it. There has always been politics in this Government, and I believe there always will be. Of course, you are not in control of the House today, except figuratively, and you are very much interested in this bill.

I have watched my colleagues on this side of the aisle take the slaps you have given them and the administration, and I am watching them now turn the other cheek and go along with you.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. No; I refuse to yield.

I have sent to the Clerk's desk an amendment which provides that "it shall be unlawful for any candidate for Senator or Representative in Congress in any primary or general election to make any public, audible speech in his own behalf or in behalf of any political party of which he is a member or to pay out directly or indirectly any sum or sums for advertising in any newspaper, magazine, periodical, bulletin, or program or for buttons or novelties or engage in any political activities whatsoever in his own behalf or in behalf of any political party, provided, however, he shall be permitted to vote."

All of us are interested in preventing those on relief from being subjected to political pressure. The law already does that as contained in the relief bill.

I have been particularly impressed with the fact that the committee has been willing to give a man working in a department or agency under this administration the right to vote. That is great liberality upon their part.

Mr. Chairman, I was elected to this House as a Democrat and I still am a Democrat and I want to say to you gentlemen on the Republican side, because it will not do any good to talk to anyone over here, that I am unwilling to go along with you fellows and write a purely political bill regardless of what my colleagues on this side of the House wish to do. When I am ready as a Democrat to write a political bill, I want to write it as a Democrat, and I want to pass it through the House as a Democrat, and not let my Republican friends and colleagues write the legislation. This may not be a serious amendment that I have proposed, but if we are going to take away all of the rights that the employees of this Government have to get up and express their opinion in politics—and after all that is what it means—then I say, let us take it away from ourselves as well; let us gag ourselves; that will be in accordance with the principles of this bill.

I ask you, my Democratic friends, do you not believe that it is time to be Democrats instead of letting Republicans in this House write a purely political bill? [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CELLER. Mr. Chairman, it would indeed be unfortunate if we should strike from the bill section 3, which provides that one cannot reward political activity by the promise of a job. If you strike out section 3, as the amendment calls for, it would present a very serious matter.

Mr. BARRY. The language of section 3 is exactly the same as contained in the Corrupt Practices Act, insofar as it applies to jobs.

Mr. CELLER. The Corrupt Practices Act applies to candidates by section 249 of the United States Code. The section in this bill applies to any person, and it should apply generally to everybody, and should not be limited to a candidate, as is the present law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. Did I understand the Chair to say that the question is on the amendment offered by the gentleman from Missouri?

The CHAIRMAN. The Chair was under the impression that the gentleman from Missouri had offered his amendment, but the Chair has been informed that he merely discussed his amendment, and did not offer it.

Mr. DUNCAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUNCAN. The gentleman from Oklahoma was recognized to offer his amendment, and I could not offer mine until his amendment had been voted on, because it was not a substitute for his amendment.

The CHAIRMAN. It was in order for the gentleman to offer his amendment to the section. It would have been a perfecting amendment.

Mr. DUNCAN. But it was not a perfecting amendment to the amendment of the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Missouri did not offer his amendment, and the question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 66, noes 139.

So the amendment was rejected.

Mr. NICHOLS. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Oklahoma demands tellers. As many as favor taking the vote by tellers will rise and stand until counted. [After counting.] Thirteen Members have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. DUNCAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Page 3, line 2, after the period in line 2, add a new paragraph to be known as (a):

"It shall be unlawful for any candidate for Senator or Representative in Congress in any primary or general election to make any public audible speech in his own behalf or in behalf of any political party of which he is a member or to pay out directly or indirectly any sum or sums for advertising in any newspaper, magazine, periodical, bulletin, program, or for buttons or novelties, or engage in any political activities whatsoever in his own behalf or in behalf of any political party: *Provided, however,* He shall be permitted to vote."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DUNCAN].

Mr. NICHOLS. Mr. Chairman, there was so much confusion on the Republican side of the aisle that many Members on that side did not hear the reading of the amendment. I ask unanimous consent that the amendment be again reported.

Mr. MARTIN of Massachusetts. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DUNCAN].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 95, and noes 145.

Mr. BRADLEY of Pennsylvania. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. MICHENER and Mr. DUNCAN to act as tellers.

The Committee again divided, and the tellers reported that there were—ayes 72, noes 188.

So, the motion was rejected.

Mr. PARSONS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—ayes 88, noes 162.

Mr. PARSONS. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. PARSONS and Mr. MICHENER.

The Committee again divided, and the tellers reported that there were—ayes 67, noes 167.

So, the motion was rejected.

Mr. SACKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SACKS: Page 2, line 21, strike out section 3 and insert:

"SEC. 3. It shall be unlawful for any person or political party to make or publish any platform which in any part promises the voters anything."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. SACKS) there were—ayes 28, noes 141.

So the amendment was rejected.

Mr. SACKS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SACKS. Does the defeat of this amendment mean that the Republicans put the stamp of approval on promises?

The CHAIRMAN. The Chair does not think that is a proper parliamentary inquiry.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California: Page 3, line 2, after "election", strike out the period and insert a colon and the following: "*Provided*, That the provisions of this section shall not apply to any statement of political program, policy, or platform."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

SEC. 4. Except as may be required by the provisions of subsection (b), section 9 of this act, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit provided for or made possible by any act of Congress appropriating funds for work relief or relief purposes, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

SEC. 5. It shall be unlawful for any person to solicit or be in any manner concerned in soliciting any assessment, subscription, or contribution for any political purpose whatever from any person known by him to be entitled to or receiving compensation, employment, or other benefit provided for or made possible by any act of Congress appropriating funds for work relief or relief purposes.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 13, after the word "solicit", insert "or receive."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, lines 14 and 15, after the word "soliciting", insert "or receiving."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 18, after the word "benefit", insert "as a relief worker or a person on relief."

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 58, noes 118.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. CELLER and Mr. MICHENER to act as tellers.

The committee again divided; and the tellers reported there were—ayes 70, noes 152.

So the committee amendment was rejected.

The Clerk read as follows:

SEC. 6. It shall be unlawful for any person to furnish or to disclose, or to aid or assist in furnishing or disclosing, any list or names of persons receiving compensation, employment, or benefits provided for or made possible by any act of Congress appropriating, or authorizing the appropriation of, funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager, and it shall be unlawful for any person to receive any such list or names for political purposes.

With the following committee amendment:

Page 3, line 21, after the word "person" insert "for political purposes."

The committee amendment was agreed to.

Mr. CREAL. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. CREAL: Pages 3 and 4, strike out all of section 6.

Mr. CREAL. Mr. Chairman, some of the Members made speeches the other day about old-age pensions, both for and against. Some of the Members have talked about the W. P. A. appropriation bill. Doubtless you did not care to send your remarks to people not interested, but perhaps you intended, regardless of which way you voted, to send your remarks to a select group of people. Mr. Chairman, I say that is for political purposes. When a campaign comes around and you are misrepresented before a certain group of people or Government beneficiaries as to what you said upon the floor of the House, or in giving your present views or future views pertaining to a particular thing in which you are interested, you have a right to get a list of names, and I maintain that no Government agency has the right to deprive a Senator or Congressman from any list of names on the Government pay roll. We may want it for various purposes. We may want it for the purpose of purging the rolls of loafers who are thereon, and who have been often found on the Government pay rolls. I maintain it is a monstrosity to say that we cannot receive such a list, if we want to send our remarks for or against some bill in which they are interested, after having received numerous letters. I believe that section ought to be stricken out. It provides that you cannot get a list of names of people whom you have been voting for or against, so far as the governmental agencies are concerned, and you cannot find out what the Government did, or who was employed, or who was not.

I maintain the section goes a long, long ways in invading the prerogatives of the Members of the Senate and House by depriving them, whether they be Democrats or Republicans, of their rights. You send down here in Washington and ask an agency for a list of names of workers under the civil service. You cannot in your own county know who is on the W. P. A. or who is on the relief rolls. You may want this information in order to tell them your views on certain legislation in which they are interested.

Mr. PARSONS. Will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Illinois.

Mr. PARSONS. We put in the last relief bill a provision that the W. P. A. must give the names and addresses of all those who occupy a supervisory capacity, if requested by any Member of Congress.

Mr. CREAL. The gentleman refers to supervisory capacities only. This means anybody. I maintain that no man, high or low, whether in the Cabinet or any place else, down to anybody who is drawing Government compensation,

whether it is the Weather Bureau man or a star-route carrier, should have the right to withhold those names from the people who make the laws and appropriate the money to pay their salaries.

Mr. WALTER. Will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The gentleman's argument might have had some force had we not adopted an amendment a while ago which limits the use for political purposes.

Mr. CREAL. I maintain it is for political purposes when you and I send out our remarks to a particular group to show how we voted on a particular bill. You cannot get away from that. You cannot separate that from a political activity. It is a political activity. What do you want that list of reliefers for except to ingratiate yourselves into their good graces and get their vote.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. CREAL. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. The taxpayers would save a great deal of money if these lists were obtained from the city directory and telephone directory. It costs money to compile these lists.

Mr. RANDOLPH. Will the gentleman yield?

Mr. CREAL. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I firmly believe there should be no politics in relief, or coercion of those men and women who are on the work-relief program. I favor the so-called Dempsey amendment and I shall support the bill designed to correct abuses that have arisen. I understand the gentleman contends that the information concerning every employee on the pay roll of the Federal Government should be made public if requested by a Member of Congress.

Mr. CREAL. Yes; for the men who appropriate the money and create the jobs. There is not a Member in this House or at the other end of the Capitol who has not selected a list and sent his remarks to those people. They do it for political purposes and for the purpose of clarifying himself and obtaining the votes of those people. It is therefore for a political purpose.

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I rise in opposition to the committee amendment.

I may say that the subcommittee of the Judiciary Committee which first considered this bill asked the Senator from New Mexico, who appeared before us, why this particular section was included in the bill and what was behind it. He informed us that the Senator from Texas who conducted the investigation into political activities last summer found that the exploitation of the persons on relief always began with the securing of a list of names, and that if we would include in the bill a prohibition against furnishing lists of names of those on W. P. A. for political purposes, it would go a long way toward stopping the exploitation of such persons and protecting them against the ward heelers and solicitors of campaign funds. That is the reason for the section, and I believe the section ought to stay in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. CREAL].

The question was taken; and on a division (demanded by Mr. CREAL) there were—ayes 47, noes 150.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. No part of any appropriation made by any act, heretofore or hereafter enacted, making appropriations for work relief, relief, or otherwise to increase employment by providing loans and grants for public-works projects, shall be used for the purpose of, and no authority conferred by any such act upon any person shall be exercised or administered for the purpose of, interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election.

Mr. HOOK. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOOK moves to strike out the enacting clause.

Mr. PEARSON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. PEARSON. Mr. Chairman, I make the point of order against the motion that it is not in proper form.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. HOOK. No, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order. The motion as submitted is not in proper form.

Mr. HOOK. I move to strike out the enacting clause, Mr. Chairman.

The CHAIRMAN. The proper motion, the Chair may state to the gentleman from Michigan, is that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out. That is not the motion the gentleman has submitted.

Mr. HOOK. I will submit such a motion later.

The Clerk read, as follows:

SEC. 8. Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a felony and upon conviction shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

With the following committee amendments:

On page 4, line 17, after the word "Act", strike out the remainder of line 17.

Page 4, line 18, after "conviction", insert "thereof."

The Committee amendments were agreed to.

The Clerk read, as follows:

SEC. 9. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any act of Congress, to use his official authority or influence for the purpose of interfering with an election or of affecting the results thereof. All such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, but they shall take no active part in political management or in political campaigns.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the compensation of such person.

With the following committee amendment:

On page 5, line 1, after the word "thereof" strike out the remainder of the paragraph.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 91, noes 132.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. MICHENER.

The Committee again divided, and the tellers reported that there were—ayes 111, noes 157.

So the committee amendment was rejected.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 5, line 8, after "Congress", insert "for such position or office."

The committee amendment was agreed to.

Mr. HOOK. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HOOK moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HOOK. This bill as it stands right now, with the amendments as adopted, has been written by the Republican Party. I want to congratulate the Republican Party for their solid vote. I think they are doing a very fine job, and I have no criticism to make whatsoever. It is their duty to sabotage the Democratic program if they can. I will say that they are doing a very fine job of it this afternoon.

To my Democratic friends let me say that it is about time we start writing some legislation ourselves. It is about time that some of you Democrats go down the line and vote in a Democratic manner and not follow the Republican leadership.

Many times this afternoon I have seen Democrats walk down here behind a solid phalanx of Republican membership.

This bill has been used by the newspapers of this Nation to blackmail the membership of this House before it ever came to the floor for consideration. It is about time we Democrats realize that we should stand up and fight and not go down under the blackmailing that has been going on in the past.

I have always placed high value on human rights. I regard them as basically more important to society than property rights. It necessarily follows that from the political aspect the state exists for man. Man does not exist for the state. If government is worth anything it is for what it wins for man, and certainly this kind of a bill that you are trying to enact here this afternoon is not going to win anything for anybody. On the contrary, it is taking away the basic rights guaranteed under the Constitution of the United States.

It is a violation of the first and fifth amendments of that Constitution. I therefore give warning here on this floor that if this bill passes in its present form I will be the first man to violate the provisions of the bill and challenge it by going to the courts and trying out the constitutionality of it. [Applause.]

You Republicans have been talking about the Constitution, and a few years back you were letting out a hue and cry of "Protect the Supreme Court of the United States"; you seemed to think at that time it was treason to criticize that august body; now you are blasting the Supreme Court of the United States and again you repudiate the very principles you so proudly paraded here in this body. You have advocated the protection of the Constitution, but at the present moment you are voting to violate the Constitution of the United States. We Democrats should stand by the Constitution and vote against this obnoxious monstrosity.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, at this moment I am very proud and happy to be a Member of this great body. By action of the House a minute ago in refusing to agree to the committee amendment in section 9, I saw the rights of the people again asserted. The fearless, revolutionary stand taken by my colleagues on that occasion I wholeheartedly commend. Why, the Bill of Rights was about to be abrogated. The Bill of Rights, by this legislation, was about to be overridden, but by the fearless statesmanship of the membership of this body, I am happy to see has protected the American people, and I compliment you on asserting yourselves when you make so bold as to say by your action that all persons shall retain the right to vote—a great, big, revolutionary movement on your part.

Not only do you restore to them the right to vote but you actually give them to right to express their opinions, not publicly but privately [laughter], a fearless attitude, and the statesmanship that has been demonstrated here I could not let go by without taking opportunity to compliment you on. [Applause.] The portion of section 9 to which I refer and which the committee has so fearlessly voted to keep in the bill is as follows:

> All such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, but that they shall take no active part in political management or political campaigns.

This provision is perfectly silly and ridiculous. This Congress cannot by legislation tell the American people that they can retain the right to vote. This is an inherent right and one guaranteed by the Constitution, and for this Congress to say that American citizens shall have the right to express their opinions in private is to abrogate the Bill of Rights, which guarantees to every American citizen the right of freedom of speech, freedom of assemblage, and the privilege of worshiping God according to the dictates of his own conscience. You cannot remove this right guaranteed by the Constitution simply because a person holds a Federal position.

Of course, this silly language should have been stricken from the bill, and it is beneath the dignity of a great deliberative body such as the Congress of the United States to even think that they could so hoodwink and fool the public by the passage of such legislation to the extent that the public would think that the Congress was attempting to protect some sacred right of theirs. [Applause.]

The CHAIRMAN. The question is on the motion offered by the gentleman from Michigan [Mr. HOOK].

The question was taken and the motion was rejected.

Mr. HOBBS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. HOBBS: Page 5, line 2, strike out the word "privately", and in lines 3 and 4 change the comma after the word "subjects" to a period and strike out all the words in lines 3 and 4 thereafter.

Mr. HOBBS. Mr. Chairman, this really brings us to the milk in the coconut. If you wish to write into this bill or to leave in the bill as you have done by defeating the committee amendment the limitation upon the right of officials in administrative or supervisory capacities to express their own opinions upon political subjects, you will have denied the right of free speech guaranteed by the first amendment of our Constitution. If you leave those words in there, you at the same time deny liberty to American citizens merely because they happen to be officials of our Government, in violation of the guaranty of the fifth amendment, for due process of law is not supplied by such a statute as this bill proposes.

In addition to these considerations, although the ex post facto inhibition of the Constitution only applies in criminal cases, there is here a plain analogy, for when a man goes under the civil service, he voluntarily "takes the veil" in exchange for the assurance of perpetuity in office, which is not present as to any office not under civil service. Therefore he voluntarily bargains and surrenders his rights of free speech and liberty of action for the quid pro quo of that guaranty. So he knows in advance what is going to happen to him and he voluntarily accepts the position with that string to it, but here you would make every one of the officeholders in an administrative or supervisory capacity in the United States, who entered upon the performance of their duty in office without any knowledge of any such restriction as you here would place subject to these provisions ex post facto, and without a choice; in other words, you would take away from them the rights that they had when they accepted their offices.

Pretermitting further discussion of the constitutional aspects of this question for the moment, I invite the serious attention of Members on both sides of the aisle while I talk a little practical, plain, common sense.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Gladly.

Mr. MICHENER. Will the gentleman please read the sentence as it would read with his amendment adopted?

Mr. HOBBS. The concluding sentence of section 9 would read as follows:

> All persons shall retain the right to vote as they please and to express their opinions on all political subjects.

What I rose to say is simply this. Every single solitary pernicious activity is interdicted by the terms of this bill. Every abuse of power, bribery, coercion, threats, intimidation, solicitation of funds from relief workers, or from anybody on relief, every exercise of official authority or influence, all of those things you cry out against are interdicted by this bill already. But when you come to this section of the bill you say that no matter how honestly a Federal officeholder in his supervisory or administrative capacity may conduct himself, no matter how clean his hands may be, he cannot participate in political management or campaigns. No matter how scrupulously he may avoid any abuse of his rights of free speech and liberty of action guaranteed by the Constitution. If you do this thing, you not only violate the Constitution, you not only violate every natural right of every citizen in the United States, but by doing this you divest him of citizenship and you have set up the process of disintegration, whereby the Government "of the people, by the people, and for the people" will have begun to perish from the earth.

I beg of you that you leave it not only to the penal provisions under this act, but also to the pains and penalties of the Corrupt Practices Act, to curb abuses of the types feared, and not deny the fundamental rights of American citizens. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Alabama be extended for 5 minutes. As far as I am concerned the gentleman has made the only rational speech I have heard this afternoon, and In view of that fact I think his time should be extended.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. THORKELSON. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Gladly.

Mr. THORKELSON. Is it not a fact that no act of Congress can deprive the people of the right to their opinions on political matters?

Mr. HOBBS. Of course; the gentleman is absolutely right. I am pleading that we do not commit the asininity of attempting to repeal the Constitution by act of Congress.

Mr. WHITE of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Certainly.

Mr. WHITE of Ohio. Would not the gentleman's purpose be accomplished if he would leave the language in that sentence with the exception of the word "privately"?

Mr. HOBBS. No, sir.

Mr. WHITE of Ohio. What further is there that would be in conflict with the Constitution?

Mr. HOBBS. The rest of that section—

But they shall take no active part in political management or in political campaigns—

Would still be there, and I contend that liberty of action is just as much a right as freedom of speech.

Mr. WHITE of Ohio. The gentleman contends that that is in conflict with the constitutionality authority also?

Mr. HOBBS. Yes, sir. I am perfectly sure of it in my own mind, and not only that, but I maintain that if there were no such thing as the Constitution, we would still be violating the fundamental concepts of this Government when we inhibit activity on the part of our people, or any one of our people, in that greatest art known to democracy, the art of self-government. I believe that you gentlemen of the minority can see this as plainly as I. It is not a political question. When you come down to it there is no finer, higher attribute of an American citizen than the capacity and right to participate in government by democratic processes, and there is no nobler art than that of seeking, honestly and purely, to lead the thinking of fellow citizens on political questions. [Applause.] I believe that is what we should do. I think we should encourage rather than inhibit that. I am not trying to sway your emotions—if I could I would not—but in this solemn hour I warn you that you think for yourselves, clearly and soberly, on this most important subject. I reiterate that every abuse conceivable is curbed and interdicted by this bill.

It is punishable not only under the penal provisions of this bill but it is also punishable under the corrupt-practices law. I beg of you that you stop, look, and listen before you run over the warning signboards of experience and history, merely on the caprice or whim of the moment.

Mr. McCORMACK. Will the gentleman yield?

Mr. HOBBS. I am delighted to yield to my friend.

Mr. McCORMACK. "To express privately their opinion," under that language is it beyond the realm of probability or possibility that a man could only be protected if he expressed his opinions to his own wife? In other words, if he expressed them to anyone else politically, and if he occupies an official position, he would come within the purview of the language as now contained in the bill?

Mr. HOBBS. I think so, sir. I think also that you are right in saying that the courts could interpret that in any way they might see fit. I also submit that both the words "privately" and "active" are utterly stupid and have no place in any legislation, because of the impossibility of clear definition. I could say, "Well, I am only making a political speech in my own behalf, but I am not active. I am not actively espousing my cause. I am simply, soberly, and clearly submitting the issues to my constituents." And who could condemn me for political activity if the courts agreed with me, and they might? What you should do is what is done in the rest of this bill—shoot squarely at the abuses of liberty. Shoot squarely at those things which disgrace our democratic processes. We have systematically in this bill interdicted all forms of coercion, intimidation, threats, bribery, by promise of a job, or by threat of deprivation. [Applause.]

I submit that my amendment ought to be passed. Let us all rise to this occasion. [Applause.]

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I rise in favor of the amendment.

Mr. MICHENER. Mr. Chairman, do I understand the acting chairman of the committee is for the amendment?

Mr. CELLER. We will support that amendment.

Mr. MICHENER. I am opposed to it. I want to be heard in opposition at some time.

Mr. CELLER. I will yield to the gentleman now.

Mr. MICHENER. No. Just so I am not shut off.

The CHAIRMAN. The gentleman is entitled to recognition, if he wishes to be recognized at this time.

Mr. MICHENER. No; just so I am not shut off.

The CHAIRMAN. The gentleman from New York [Mr. CELLER] is recognized.

Mr. CELLER. Mr. Chairman, as acting chairman of the Judiciary Committee, I wish to state that after brief consultation with other members of the committee I feel that we should accept this amendment offered by the gentleman from Alabama [Mr. HOBBS]. We feel it is a good amendment.

On the subject generally of political activity of non-civil-service Federal employees, let me point out what a very famous Republican once said about the impracticality of trying to enforce these strict rules as far as these nonclassified employees are concerned. I refer to Theodore Roosevelt, who had the following to say on this subject:

I had become convinced that it was undesirable and impossible to lay down a rule for public officers not in the classified service which should limit their political activity as strictly as we could rightly and properly limit the activity of those in whose choice and retention the element of political considerations did not enter; and afterward I became convinced that in its actual construction, if there was any pretense of applying it impartially, it inevitably worked unevenly, and, as a matter of fact, inevitably produced an impression of hyprocrisy in those who asserted that it worked evenly. Officeholders must not use their offices to control political movements, must not neglect their public duties, must not cause public scandal by their activity; but outside of the classified service the effort to go further than this had failed so signally at the time when the eleventh report, which you have quoted, was written, and its unwisdom had been so thoroughly demonstrated that I felt it necessary to try to draw the distinction therein indicated.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. DUNN. In my opinion, the Hobbs amendment is a very democratic amendment and should be voted for unanimously by the House.

Mr. THORKELSON. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. THORKELSON. Is it not a fact that the people themselves reserved the right in the tenth amendment to do as they pleased in regard to voting and expressing their opinions?

Mr. CELLER. I think that is right.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. CREAL. Unless the word "privately" is stricken out, just when is an expression made in private and in public? Is a hotel lobby with six men present public or private, or

do you have to take them around behind the house and whisper to them privately?

Mr. CELLER. Well, it is hard to tell.

I am revising these remarks after this bill was passed, and am making this statement more or less in retrospect after what has happened in the House and which led to the passage of this measure. I particularly wish to point out two factors: In the excitement of debate the House accepted an amendment providing that no one can remain in the employ of the Government if he advocates the overthrow of the Government. The words usually used are "overthrow of the Government by force and violence." The words "by force and violence" were omitted, apparently advisedly. What does all this mean? This can be construed to give some very unusual results. It may mean that anyone who believes that the Government should not remain static and unchanged can be dismissed from service, in pursuance of the terms of this bill, or can have his salary withheld from him by the Comptroller General. It means, further, that anyone in the employ of the Government who advocates a constitutional amendment, who advocates the overthrow or the change of our Government by legal means—that is, by a change in the Constitution—would suffer these aforementioned penalties.

Just what is meant by the "overthrow of the Government"? I presume the author of this amendment intended it to mean a sort of revolution; a change from a democracy to a dictatorship—a dictatorship of communism, fascism, or nazi-ism. But the language does not say that. Intent may be one thing, but the actual words used may be quite different from the intent.

The other factor I wish to point out is this: In the excitement of debate an amendment was permitted to include control of primaries within the provisions of the bill. We cannot control primaries. That is a matter purely within the jurisdiction of the various States. The Supreme Court has thrown out bills as unconstitutional when they attempt to affect or control primaries. Yet here we include a clause as an amendment which is wholly unconstitutional.

Of course, in a way, the Government, as an employer, can lay down conditions precedent to govern employment through conditions relating to age, intelligence and experience. The Government cannot, however, govern the right to participate in a primary, of either a State official or a Federal official. Any such restriction is unconstitutional.

Section 9, as it was originally written and as it came from the Senate, placed greater burdens on a nonclassified administrative or supervisory officer than on anyone in the civil-service classification. I have before me a sheet entitled, "Warning—Political Activity of Classified Employees Prohibited." Referring to Presidential officials and appointees, this notice says:

> Presidential appointees are forbidden by statute to use their official authority or influence to coerce the political action of any person or body, to make any contribution for a political object to any other officer or employee of the United States, or to solicit or receive contributions for political purposes from other Federal officers or employees.

This would not preclude such appointee's contributing to a political party or his going to a Jackson Day dinner. But under section 9, as originally written and which, as originally written, was so ardently supported by many newspapers, a Presidential appointee would not be able to make a contribution to a political party or to participate in a Jackson Day dinner. This civil-service announcement further states:

> A Presidential appointee will be allowed to take such a part in political campaigns as is taken by any private citizen.

Under the bill as originally drawn, section 9 and section 2 would have made it utterly impossible for a Presidential appointee to take part in a political campaign on parity with a private citizen.

Because of my protests and those of my colleagues on the Judiciary Committee we were responsible for at least getting amendments to the bill which were offered by Congressman DEMPSEY and which Senator HATCH finally accepted. Without our fight the bill would have been rushed through the House as it was rushed through the Senate—with all the obnoxious provisions intact.

Under the civil-service rules, employees in the executive civil-service branch of the Government working in the District of Columbia are now permitted to run for local office in those municipalities adjacent to the District of Columbia. Under the Hatch bill all this is changed and made impossible. I herewith insert the order of the Civil Service Commission permitting such local political activity:

> Employees residing in municipalities near the District of Columbia: Employees of the executive civil service permanently residing in the following incorporated municipalities adjacent to the District of Columbia will not be prohibited from becoming candidates for or holding municipal office in such corporations:
>
> In Maryland—Takoma Park, Kensington, Garrett Park, Chevy Chase, Glen Echo, Hyattsville, Mount Rainier, Somerset, North Beach, Capitol Heights, Laurel, Riverdale, Bladensburg, Brentwood, Berwyn Heights, Cottage City, North Brentwood, Edmonston, Colmar Manor, Fairmont Heights, Eagle Harbor, Cobb Island, Seat Pleasant, Cheverly, District Heights.
>
> In Virginia—Falls Church, Vienna, Herndon, Potomac.
>
> In the exercise of the privilege granted by this order, officers and employees must not neglect their official duties and must not engage in National, State, or county political activity in violation of the civil-service rules, and if there is such violation, the head of the department or independent office in which the person is employed shall inflict such punishment as the Civil Service Commission shall recommend.
>
> The Civil Service Commission may extend the privilege of this order to other incorporated municipalities in Maryland and Virginia when it shall deem it necessary to the domestic interests of the Government employees resident therein.

All of the above is now prohibited under the terms of the new Hatch bill.

I also give you another order from the Civil Service Commission concerning employees of the navy yards, arsenals, and military establishments.

> Employees of navy yards, arsenals, and military establishments: Whenever in the opinion of the Secretary of the Navy or the Secretary of War a strict enforcement of the provisions of section 1, rule I, of the civil-service rules would influence the result of a local election the issue of which materially affects the local welfare of the Government employees in the vicinity of any navy yard or station or of any arsenal or other military establishment, the Civil Service Commission may, on recommendation of the Secretary of the Navy or the Secretary of War, and after such investigation as it may deem necessary, permit the active participation of the employees of the yard, station, arsenal, or other military establishment in such local election. In the exercise of the privilege which may be conferred hereunder, persons affected must not neglect their official duties nor cause public scandal by their activity.

The above order is utterly nullified by the new Hatch bill.

All of the above appears strange indeed. But stranger still is the fact that the Senate swallowed these provisions hook, line, and sinker, without even a debate, when the matter was presented a second time to the Senate. These are strange happenings. This bill was not considered with the dry light of reason. There were many selfish motives which actuated the Members of both Houses. The fight centers around the control of delegates to the next Democratic Convention. The work of the House Judiciary Committee, which committee worked fearlessly and judiciously, was primarily impaired.

I should like sometime to tell the whole story concerning this measure; it would make very interesting reading. But this is neither the time nor the place.

As the bill originally came from the Senate, even our secretaries could not have aided us in our campaigns. See how ridiculous that was. Only because of our remonstrances in the Judiciary Committee did the authors of the bill permit changes in the operating and penalty sections of the bill. Only because of our insistence were the policy-making appointees of the President exempted from the provisions of this measure. Also, only because of our insistence were the members of the President's Cabinet excluded. Just imagine, the President endeavoring to test out some theory, measure, plan, or policy, and being unable to permit one of his trusted lieutenants to sound out public opinion by making a political speech!

This Hatch bill delivers a telling blow against our party system. Jefferson said:

The party has a great useful nationalizing influence, creating national opinion and judgments as over against local interests and preferences. The greater the centralization of government the greater becomes the necessity of opposition party.

To the extent that this bill strikes at these pronouncements, it is an unmitigated evil.

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Amendment offered by Mr. MICHENER as a substitute for the amendment offered by Mr. HOBBS: Page 5, line 1, after the word "shall", strike out the rest of the line and all of line 2 and line 3, including the word "shall"; so that the paragraph will read "all such persons shall take no active part in political management or in political campaigns."

Mr. MICHENER. I say to the Members that I offered this same amendment in the committee. There is no question about the constitutionality. What the gentleman from Alabama [Mr. HOBBS] has said is largely true so far as constitutionality is concerned, because we cannot deny, under our Constitution, any individual in this country the right to vote as he pleases, and the right to express privately his own opinion on public subjects. So I attempted to eliminate that in the committee, and I think it would have been eliminated if the whole sentence had not been eliminated.

By eliminating what I have suggested, by accepting this substitute, you eliminate useless words.

There is no question about the constitutionality of the substitute which I have offered. If you want something to talk about, if you want an excuse, then you may toy with words; but if you want to get right down to substance and accomplishment, then accept this substitute. [Applause.]

[Here the gavel fell.]

Mr. HOBBS. Mr. Chairman, I rise in opposition to the amendment.

There is no Member of this House who has a higher regard than I for the distinguished gentleman from Michigan. When he speaks on legal matters I always give ear; but I am so bold as to accept his challenge and to say that I think his amendment, which is helpful as far as it goes, has not corrected the unconstitutionality of even that part of section 9 to which it is addressed. I want to say before I pass on that his invoking of the precedent of the civil-service law has no application whatsoever, for the reasons I have attempted to give, namely, those men have taken the veil voluntarily and with full knowledge of those regulations which restrict their freedom in exchange for the assurance that they cannot be separated from the pay roll, whereas the officers we are now talking about have accepted their commissions for full terms with no such knowledge; hence it would be absolutely an ex post facto law as to them, if ex post facto applied to purely civil matters.

Along this same line let me say that, whether or not it be unconstitutional, in view of the presumption indulged in favor of every congressional enactment, I advance the argument that if I were one of these iniquitous—and that is how they class Federal officials—iniquitous Federal officials in an administrative or supervisory capacity, and a political campaign were in progress, I believe there is no constitution ever written by man, I believe there is no principle of divine justice that would say that I should be deprived of the privilege of defending my own administration. That is what you do here, however; you say that my mouth shall be closed if I am active. What does "active" mean? No one can define it. It is, therefore, upon its face an absurdity. I maintain that I can be within my legal rights and just as active as a bee in a tar bucket and violate no law of God or man. The Congress of the United States, in view of the context of section 9, ought not to seek—even without any question of constitutionality being raised—to interdict that kind of action, for the preceding part of section 9 has absolutely forbidden me as a Federal official to use my official authority or influence for the purpose of interfering with an election or affecting the results thereof. All that the succeeding portion of section 9 undertakes to do, therefore, is to deprive me, not of the prestige of my office in exercising my political influence, but of my own personal right under the Constitution and the laws of the United States of pure, clean action, no matter how active I may be, in defense of my own administration.

This is simply highway robbery; and you men, no matter on which side of the aisle you sit, by your oath are bound, as I am, to support the Constitution and the laws of the United States and her proud traditions. You are not, therefore, going to condemn unheard that big group of Federal officeholders who are just as clean as you are, and who will conduct themselves in the future as they have in the past—with the highest morality. That is the salvation of this or any other democracy, and when you destroy it you have set to work the forces of dissolution. I, therefore, ask you to vote down this well-intentioned substitute and to vote up my amendment. [Applause.]

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am happy to yield.

Mr. PARSONS. Does the gentleman not seek to do throughout this bill just the very thing he is describing this legislation does in principle?

Mr. HOBBS. Thank you for that question, sir. No, sir; I do not believe so. I do not for 1 minute think that Congress has not the power to interdict and inhibit all fraud, corruption, use of official power for coercion, intimidation, threats, or what not, interfering with the fairness of free elections. I believe that the sanctity of our homes, the perpetuity of our Government, depends upon the utmost limit of eradication of all evil influences in our elections, and not until we do that have we done our duty; but when we go beyond that point we have transcended the bounds of legitimate legislation. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from Michigan [Mr. MICHENER] for the amendment offered by the gentleman from Alabama [Mr. HOBBS].

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 114, noes 152.

So the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HOBBS].

The question was taken; and on a division (demanded by Mr. PARSONS) there were—ayes 191, noes 3.

So the amendment was agreed to.

Mr. DEMPSEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: On page 4, strike out lines 20 to 25, inclusive, and on page 5, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"SEC. 9. (a) It shall be unlawful for any person employed in the executive branch of the Federal Government or any agency or department thereof to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. No officer or employee in the executive branch of the Federal Government or any agency or department thereof shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may chose and to express their opinion on all political subjects. For the purposes of this section the term "officer or employee" shall not be construed to include (1) the President and Vice President of the United States, (2) persons whose compensation is paid from the appropriation for the office of the President, (3) heads and assistant heads of executive departments, (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

"(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person."

Mr. DEMPSEY. Mr. Chairman, it is not my intention to speak for 5 minutes, because I have explained this amendment several times.

Section 9, as reported by the Senate, was rather confusing in that the author of the bill, Senator HATCH, and those who sposored the bill with him—Senators SHEPPARD and AUSTIN—did not propose to put a restriction on the executive branch of the Government to the extent that the bill may do in its present form.

The amendment I have sent to the Clerk's desk, which has just been read, clearly exempts the President and Vice President of the United States, as well as the staff of the President and those who obtain their salaries from the appropriation made for White House purposes. It also exempts all heads of executive departments, Cabinet members and their assistants, and all policy-making officials that have a national scope, such as, for instance, the head of the Work Relief Agency. That has a national scope.

Mr. WALTER. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Does not the gentleman realize his amendment permits the people who are mentioned in the amendment to use their official authority to influence elections?

Mr. DEMPSEY. No; I do not so construe the amendment.

Mr. WALTER. Whether the gentleman does or not, that is exactly what it says.

Mr. DEMPSEY. I do not agree with the gentleman.

Mr. VOORHIS of California. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from California.

Mr. VOORHIS of California. The gentleman does not concede that his amendment would deprive people working on public-works projects or on relief projects of their political rights and activities?

Mr. DEMPSEY. Not at all. They may express their political preference as they see fit.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Virginia.

Mr. WOODRUM of Virginia. I would like to secure a little information from the gentleman right along the line suggested by the gentleman from California. Many provisions of this bill seek to protect the W. P. A. worker from being exploited by politicians; is that correct?

Mr. DEMPSEY. Yes.

Mr. WOODRUM of Virginia. Is there anything in the bill that will protect a Congressman from being hung in effigy in the public square at the hands of W. P. A. workers for doing his duty?

Mr. DEMPSEY. As I look at the distinguished gentleman from Virginia, I am quite sure he would be able to protect himself in case of attack.

Mr. PARSONS. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Illinois.

Mr. PARSONS. I notice the gentleman's amendment exempts Cabinet officers and certain other officials.

Mr. DEMPSEY. Yes.

Mr. PARSONS. Why is it a worse crime for the poor fellow who is out in the open somewhere, drawing $100 or $150 a month, to engage in political campaigns any more than a Cabinet officer?

Mr. DEMPSEY. The sin that attaches to that is this: He engages in political campaigns in most instances as he is directed, as he is forced to engage in it. That is the difference. [Applause.]

Mr. BANKHEAD. Will the gentleman yield?

Mr. DEMPSEY. I yield to our distinguished Speaker.

Mr. BANKHEAD. The Committee by its recent action on the Hobbs amendment practically voted in favor of the adoption of the Hobbs amendment, did it not?

Mr. DEMPSEY. Yes.

Mr. BANKHEAD. The Hobbs amendment struck the following provision in the bill: "They shall take no active part in political management or in political campaigns." The gentleman's amendment still retains that language. Is there not a conflict between the recent action of the Committee and the gentleman's amendment?

Mr. DEMPSEY. This amendment would eliminate the Hobbs amendment, and my amendment would be the entire section 9 if adopted.

Mr. BANKHEAD. But it is in opposition to the recent action of the Committee when it agreed to the Hobbs amendment?

Mr. DEMPSEY. This permits any person to express his political preference as he may see fit. It does not permit people in the executive branch, except those specifically exempt, to manage a campaign or to be politically active in a campaign.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Does the gentleman realize that by his amendment he places the Congress in the ridiculous position of permitting the President of the United States and the Vice President to express their opinions on political questions?

[Here the gavel fell.]

Mr. DUNN. Mr. Chairman, I ask unanimous consent that the gentleman from New Mexico may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DEMPSEY. Mr. Chairman, I desire no additional time.

Mr. HOBBS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New Mexico.

The Clerk read as follows:

Amendment offered by Mr. HOBBS to the amendment offered by Mr. DEMPSEY: Strike out of the Dempsey amendment the following words: "No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns."

Mr. PATRICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PATRICK. If the Dempsey amendment is adopted, does not that entirely dispose of section 9 as amended by the gentleman from Alabama? If so, how does the gentleman from Alabama now come back with an amendment to the Dempsey amendent, which is to abrogate the entire action just taken by the Committee in sustaining the position of the gentleman from Alabama?

The CHAIRMAN. The gentleman from Alabama is now offering an amendment to the substitute which was offered by the gentleman from New Mexico. In answer to the parliamentary inquiry of the gentleman the Chair will state that if the Dempsey substitute amendment, whether amended or not, is adopted, it will abrogate the previous proceedings taken by the Committee as to section 9.

Mr. DUNN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. In other words, the Dempsey amendment is an amendment to the Hobbs amendment?

The CHAIRMAN. No. The amendment offered by the gentleman from New Mexico is in the nature of a substitute for the entire section, which was amended a little while ago by the amendment offered by the gentleman from Alabama [Mr. HOBBS].

The gentleman from Alabama is recognized for 5 minutes.

Mr. HOBBS. Mr. Chairman, I do not propose to take the 5 minutes allotted me. I simply wish to take this opportunity to explain as clearly as I can in a minute or two the parliamentary situation.

The Committee amendment was voted down. That left in the section the words that were proposed to be stricken by the Committee amendment. By the adoption of my amendment the Committee of the Whole House, by an almost unanimous vote, struck out the word "privately" and the other offensive words from the latter part of section 9.

The gentleman from New Mexico [Mr. DEMPSEY] now offers a substitute for section 9 which has many good qualities. It may be more desirable than the present section 9, provided we again strike out those same offensive words which he has again employed. My amendment simply seeks to strike out those offensive words which 5 minutes ago we struck out of old section 9. I hope we will strike them out of the Dempsey amendment and then decide between the section as it had been amended before the introduction of the Dempsey substitute amendment, and the remainder of the Dempsey amendment.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am very happy to yield to the distinguished gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. The gentleman's amendment practically nullifies the Dempsey amendment.

Mr. HOBBS. No; the Dempsey amendment now offered would nullify my amendment, but the amendment which I am now offering to his amendment will improve his amendment and make it acceptable legislation, whereas now it is not so.

Mr. MARTIN of Massachusetts. The gentleman's amendment would nullify the purpose of the Hatch bill.

Mr. HOBBS. No; not at all. I believe that the Hatch bill, as I have stated repeatedly today, is aimed at abuses of liberty, at corruption, at fraud, at coercion, at intimidation, and at interference with the free electorate of America. Those things I espouse wholeheartedly, and so do the vast majority of the Members of this House. However, this is something that strikes at the root of our fundamental liberties as we have them stated in our Bill of Rights. I do not believe we are injuring the Dempsey amendment in the slightest degree when we strike out this part which I am seeking to have stricken out by my amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I yield to the gentleman from New York.

Mr. CELLER. If I understand the parliamentary situation correctly, the amendment of the gentleman from Alabama strikes out certain words from the Dempsey amendment, namely:

> No officer or employee of the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns.

But when the question recurs on the Dempsey amendment, I take it the gentleman will oppose the Dempsey amendment because of the overwhelmingly favorable attitude shown to the gentleman's amendment. The gentleman prefers his own amendment to the Dempsey amendment, I take it.

Mr. HOBBS. If the Committee adopts my amendment and strikes those words from the Dempsey amendment, then I believe that everyone would be free to vote for the present section 9 as now amended and in the bill, or for the Dempsey amendment as amended by my amendment, whichever way he might see fit, and I would have no quarrel with him; but unless my amendment is adopted, striking those offensive words from the Dempsey amendment, I respectfully submit that none of us can safely vote for the Dempsey amendment.

Mr. CELLER. But if those words are stricken out of the Dempsey amendment, the gentleman would still prefer his own amendment as against the Dempsey amendment?

Mr. HOBBS. I have answered that, sir.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. I am happy to yield to the gentleman from Texas.

Mr. RAYBURN. I think the questions of the gentleman from New York [Mr. CELLER] and the answers thereto are perhaps confusing. If the amendment the gentleman has pending now to the Dempsey substitute is adopted, then the gentleman will not be going back on the previous amendment that was adopted to section 9 as it stands now because, whatever is passed, either the gentleman's amendment to the Dempsey substitute or section 9, as amended, the bill would not have in it the words that the gentleman is talking about.

Mr. HOBBS. That is right.

Mr. RAYBURN. I do not know how others may feel, but it appears to me that with those words stricken out the Dempsey substitute will certainly be preferable to section 9 as it now stands in the bill.

Mr. HOBBS. In answer to the question of the distinguished majority leader, that was exactly why I declined to pass judgment on that matter. I am not here fighting windmills; I am fighting for what I conceive to be vital principles of Americanism; and when this bridge is crossed and these words are stricken from the Dempsey amendment, then I have no further zeal as to whether the Members of this House may prefer the bill as now written or as it would be changed by the Dempsey amendment.

[Here the gavel fell.]

Mr. KELLER. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama may proceed for 5 additional minutes.

Mr. KNUTSON. I object, Mr. Chairman.

Mr. MICHENER. Mr. Chairman, there need be no misunderstanding about this matter. The Hobbs amendment offered a minute ago in substance strikes out the language "but they shall take no active part in political management or in political campaigns." That strikes at the purpose of the Hatch bill. When you take that out you have ruined it, and no one familiar with it at all will contradict what I say; surely no member of the Judiciary Committee.

You have now ruined section 9 by adopting the Hobbs amendment to that section. I think there were three or four of us who realized what it was about and did not vote for it, but that is the situation in which you find yourselves now. The gentleman from Alabama [Mr. HOBBS] knew the effectiveness of his amendment. His amendments are not idle gestures.

This amendment which the gentleman from Alabama [Mr. HOBBS] has offered to the Dempsey amendment will be just as deadly to the Dempsey amendment as it was to section 9. What I ask you to do is to accept this part of the Dempsey amendment and restore to the bill the eliminated part which was vital in the last sentence of section 9.

Now, the gentleman from Alabama [Mr. HOBBS] left this much of the last sentence of section 9:

> All such persons shall retain the right to vote as they please and to express their opinions on all political subjects.

This is perfectly harmless, and I ask that that be stricken out. That is what Mr. HOBBS leaves, and he strikes out the vital part. You cannot take away from a person the right to vote as he pleases, under our Constitution, yet the gentleman from Alabama [Mr. HOBBS] stressed that and left it in the bill, and you voted for it. You listened to a good speech and voted for form and not substance.

I now say to you that the Dempsey amendment does what I attempted to do, so far as this phase of it is concerned. It restores what was stricken out.

We discussed this thoroughly in committee, and I dare say there is no member of the committee, because it certainly was not partisan, who will deny what I have said. There is not any question about it.

Mr. HOBBS. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes; I yield to the gentleman.

Mr. HOBBS. The gentleman is making a very clear statement and every word he says is correct, except his intimation that I put those foolish words into the bill. I simply did not move to strike them out because I knew that they amounted to nothing.

Mr. MICHENER. I will answer the gentleman by saying that he is absolutely correct. The gentleman is a splendid lawyer, he is a good legislator, and he knew exactly what he was doing. Because he left a few meaningless words in the sentence some of the Members applauded and voted for his speech without much reference to his amendment. The things he left in the bill, as every man knows who knows anything at all about this bill, are guaranteed by the Constitution anyway, and we could not take these rights away.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. My time is going, and I just have not the time to yield.

Now, may I say in conclusion that if you believe in the principles of the Hatch bill, if you believe that these people employed by the Government should take no active part in political management or in political campaigns—and if this bill has not that purpose in mind, then it has no purpose whatever—then you will vote against the Hobbs amendment when the time comes in the House, if there is a roll call, and you will now vote against the Hobbs amendment to the Dempsey substitute. [Applause.]

Mr. McLAUGHLIN. Mr. Chairman, I rise in opposition to the Hobbs amendment. I think it is in order to explain the parliamentary situation and clarify the existing situation with relation to this amendment. As the bill came before this Committee of the Whole, all of lines 1 to 4, reading—

All such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, but they shall take no active part in political management or in political campaigns—

It carried a committee amendment of the Committee on the Judiciary to strike out these words. That is to say, a committee amendment was proposed to strike those words out. When the committee amendments were submitted to the Committee of the Whole for consideration, this body voted down that committee amendment, which left in the bill all of those words to which I have referred. The gentleman from Alabama [Mr. HOBBS] then moved as a substitute for the words which were left in the bill as a result of voting down the committee amendment, the words—

All such persons shall retain the right to vote as they please and to express their opinion on all political subjects—

That motion was agreed to. There never was a definite, positive motion made to present to the House the question as to whether or not we should retain the words—

but they shall take no active part in political management or in political campaigns.

Those words were stricken out of the bill by negation. They were not stricken out positively and definitely, so that the statement that has been made on the floor that the Committee of the Whole has already passed on this amendment proposed by Mr. HOBBS is, I submit, incorrect. The Committee of the Whole has never had an opportunity to pass squarely upon the question of whether those words shall be retained or rejected, except that when the Committee of the Whole voted down the committee amendment its vote had the incidental effect of retaining them, and the vote on the Hobbs substitute had the incidental effect of striking them out. The question before us right now on the Hobbs amendment is whether we shall strike out the words:

No officer or employee in the executive branch of the Federal Government or any agency or department thereof shall take any active part in political management or in political campaigns.

On this motion we have before us for the first time squarely the question as to whether or not we shall retain those words in this bill. I submit that those words are the heart of this bill. I proposed an amendment earlier in the proceedings this afternoon which was adopted; that is, a substitute amendment was adopted which had the effect in another part of the bill of keeping in the bill the very thing that is now sought by this amendment to be stricken out.

I submit that it may reasonably be contended that the House has already passed inferentially on the question now before us and has voted in favor of retaining a provision that the holders of these executive offices shall not have the right to engage in political management or in political campaigns. I submit that this record demonstrates that this body has not passed squarely and directly on this question, and that it now has that opportunity. I trust that the Committee of the Whole will vote down the Hobbs amendment to the Dempsey amendment.

Mr. WHITE of Ohio. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. I yield.

Mr. WHITE of Ohio. Will the leaving out of the Hobbs amendment and the adoption of the amendment of the gentleman from New Mexico make this prohibition to which the gentleman refers apply to a more limited group of people than it would have done originally?

Mr. McLAUGHLIN. The Hobbs amendment strikes out this prohibition entirely.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for 2 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARRY. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. I yield.

Mr. BARRY. Does the gentleman seriously believe that a Cabinet member or an executive head of a department is any more free from pressure from the higher ups than is the small fry down in the lower ranks, whose right the Dempsey amendment seeks to take away?

Mr. McLAUGHLIN. I think the Dempsey amendment is designed to protect the small employee, that is to say, the small employee in the ranks.

Mr. BARRY. Why not protect the Cabinet members?

Mr. McLAUGHLIN. Oh, the Cabinet members can protect themselves.

Mr. McCORMACK. Does the gentleman feel that a United States attorney should not be permitted to engage in a political campaign for his own party?

Mr. McLAUGHLIN. I am perfectly willing that all United States attorneys, both of my party and the other party, should not engage in political activity.

Mr. McCORMACK. The gentleman does not think they should so engage?

Mr. McLAUGHLIN. That is perfectly agreeable to me.

Mr. McCORMACK. Do you think Cabinet officers should be?

Mr. McLAUGHLIN. This amendment does not apply to Cabinet officers.

Mr. McCORMACK. I know, but do you think Cabinet officers should be?

Mr. McLAUGHLIN. With all deference to the gentleman from Massachusetts, I am not answering academic questions. We are discussing the provisions of the amendment.

Mr. DEMPSEY. Will the gentleman yield?

Mr. McLAUGHLIN. I yield.

Mr. DEMPSEY. I want to ask the gentleman from Nebraska if the Hobbs amendment is adopted, if it does not entirely destroy the purpose of this bill?

Mr. McLAUGHLIN. I have already stated that in my humble opinion it would weaken the bill very materially.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. Am I correct in assuming that the Hobbs amendment is a substitute for the Dempsey amendment?

The CHAIRMAN. The motion by the gentleman from Alabama [Mr. HOBBS] is an amendment to the Dempsey substitute. It is not a substitute of itself.

Mr. NICHOLS. Now, if the Hobbs amendment to the Dempsey substitute is voted down, unless time is limited, will debate be permitted on the Dempsey amendment after the Hobbs amendment is voted down, if it is voted down?

The CHAIRMAN. It will until the Committee closes debate.

Mr. HEALEY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I have no desire to prolong this debate. We have been here a long time, and I know the Members are very restive at this time. But I wanted to refute the statement made by the gentleman from Michigan and my colleague from Nebraska, that the heart of this bill is the words that have been sought to be stricken out by the Hobbs

amendment. If you will read the bill, the first section makes it unlawful for any person to intimidate, threaten, or coerce any person in the manner they will vote. We also have another section which prohibits the use of a person's political position to influence votes. Certainly, the objective, insofar as making persons on W. P. A. untouchable has been accomplished, and I think that is the heart of this bill. I believe that is the reason we have this legislation. That is the genesis of this legislation. It was because in the State of the gentleman from New Mexico, Senator HATCH, and the gentleman from New Mexico, Mr. DEMPSEY, where there was some scandal in the administration of W. P. A., this legislation was inspired. I do not say it was improperly or unjustifiedly introduced. I think it is properly and rightfully here.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. HEALEY. I yield.

Mr. DEMPSEY. The gentleman is entirely mistaken. The Hatch bill was offered in the last session of Congress and was defeated in the Senate long before we had any W. P. A. trouble in New Mexico. This bill grew out of an investigation made by the Sheppard committee, of which Senator HATCH was a member. The investigation did not go into New Mexico, but in other States.

Mr. HEALEY. Well, the principal purpose of this bill was to cure abuses and ills that were found to exist in the administration of W. P. A. in many of the States of this Union. There are many other abuses, as has been so well argued by my colleague on the committee [Mr. HOBBS] that have been prohibited by this bill. I think it is a splendid bill if you take out this language as Mr. HOBBS has endeavored to do. He is an able lawyer and an able legislator. If you adopt his amendment, you will then have an excellent bill, and a bill which accomplishes the purposes and objectives which we have sought from the outset.

[Here the gavel fell.]

Mr. MARTIN J. KENNEDY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is now 10 minutes after 9. In New York City it is 10 minutes after 10. We have been here since 11 o'clock this morning. If an employer detained an employee as long as we have been held here today he would probably be arrested under the National Labor Relations Act. [Applause.]

I think there should be another amendment to this bill, and that amendment should provide a lawyer for every W. P. A. worker, because I do not know how any citizen could be expected to know his rights if we pass this bill. I suggest at this late hour to the leadership of the House that the Committee rise and take this bill up for consideration tomorrow. I do not know how any member who has been in the Chamber as we all have been this day listening to the debate and the many amendments can possibly understand what is now in this bill. I am opposed to the amendment, and I am going to vote against the bill. I think the whole bill is just tommyrot and a waste of the time of Congress. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Illinois [Mr. DIRKSEN] is recognized.

Mr. PARSONS. Mr. Chairman, a preferential motion. I move that the Committee do now rise.

Mr. DIRKSEN. Mr. Chairman, I do not yield for a preferential motion.

The CHAIRMAN. The gentleman from Illinois [Mr. DIRKSEN] has been recognized.

Mr. DIRKSEN. Mr. Chairman, you are about to witness, after 9 or 10 hours of effort on this floor today, the disemboweling of this bill. Make no mistake about that. A little while ago when the Hobbs amendment was written in I let it go by default, because, like all of you, I was anticipating that the Dempsey amendment would be offered. It is before you at the present time. Now comes the Hobbs amendment to the amendment, to take out the second sentence of the Dempsey amendment. What does it provide? First, let us refresh ourselves on the Dempsey amendment. The first paragraph of the first sentence provides that it shall be unlawful for anybody to use his official authority.

The second sentence provides that no person in the executive department shall be active in political campaigns and political management, and then it makes some exceptions—and this is in answer to the question of the gentleman from Massachusetts [Mr. MCCORMACK]: It excepts the President, it excepts the Vice President, it excepts the heads of the departments, it excepts those who are in policy-making jobs with relation to foreign affairs, it excepts those administrators who are administering in a Nation-wide capacity. It applies, then, to everybody else. That, gentlemen, is the guts of the bill, and they are trying to take it out at this late hour. I admonish you not to let them do it, for if they do there will be raucous laughter over on this side, and there should be, for after 10 hours of effort we will have wasted every moment of labor in order to put upon the statute books of this country a bill that would outlaw pernicious political activity. Mark you well, that is the proposition that is before us. You must vote down the Hobbs amendment. We must preserve the Dempsey amendment intact or we will have lost all the labor of this day. Make no mistake about it. [Applause.]

[Here the gavel fell.]

Mr. DUNN. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, this will be the first time that I have spoken through the microphone, and I want to say that I do not intend to consume the 5 minutes allotted to me because I can see that the Democrats, as well as the Republicans, are hungry and tired.

Mr. Chairman, I will not support any legislative measure, no matter who sponsors it, if it deprives citizens of the right to advocate the political philosophy in which they believe. I have high regard for the gentleman from New Mexico [Mr. DEMPSEY]. However, I think his amendment is undemocratic.

I desire to make the following statement, which I consider very important. I have been informed by Members of the House that if it were not for the newspapers attacking them they would not support the Dempsey amendment to the Hatch bill because they believe the adoption of the Dempsey amendment would be very undemocratic.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. DUNN. Yes.

Mr. SCHAFER of Wisconsin. The gentleman makes a charge. I suggest that the gentleman name the Members, rather than indict all of them.

Mr. DUNN. I recognize the voice of the gentleman interrogating me. It is the gentleman from Wisconsin [Mr. SCHAFER]. If the gentleman doubts my word I will put up $100 to his $25, the money to be given for the benefit of Catholic, Protestant, and Hebrew orphans in Washington, D. C., if he can prove that my statement is incorrect.

Mr. Chairman, one of the basic principles of our Constitution is the freedom of speech and when we pass legislation which deprives our citizens of the right to express their opinion regarding politics, or any other subject, we are getting away from the democratic form of government. A citizen should have the right to advocate any kind of philosophy in which he believes whether it be communism, socialism, nazi-ism, fascism, or any other kind of ism. We are not compelled to subscribe to these philosophies or any other doctrine. Do not let us pass legislation which will obstruct freedom of speech, freedom of the press, and freedom of assemblage. [Applause.]

Thank you, Mr. Chairman.

[Here the gavel fell.]

Mr. WHITE of Ohio. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, a few moments ago I voted with good conscience for the Hobbs amendment as it applied to the original language of section 9A. That original language covered "any person employed in any administrative or supervisory capacity

by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any act of Congress." When you say that all people covered by this language shall take no active part in political management or political campaigns you are going a step too far; you are denying that right to some officials who must retain it if you are going to continue the two-party system upon which our Government rests. A President of the United States should have the right to defend his record in the arena of politics, and the same thing is true of a Cabinet member or policy-making officials, who naturally must defend the policies for which they are responsible in the field of political activity. But when you take the Hobbs amendment and apply it to the Dempsey amendment for section 9, the proposition is not the same at all. It produces a different result—a result to which I am opposed. The reason is perfectly clear, because the Dempsey amendment for section 9 exempts—

(1) The President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in Nation-wide administration of Federal laws.

By these exemptions now before the House the Hobbs amendment is no longer necessary or justified.

May I also refer to the language on page 5, which previously restricted a political opinion from an administrative or supervisory employee to "private" expression. That was a denial of free speech, and it was in conflict with constitutional rights. The word "privately" has been killed, and it should stay killed.

In conclusion, I say that it would have been wrong to prohibit all of the persons described in the original language of section 9 from taking part in political management or political campaigns, but that it is right, in view of all the abuses we have witnessed in recent years, to apply such a ban with the limitations of coverage described in the pending Dempsey amendment. I voted for the application of the Hobbs amendment to the first set of circumstances. I shall vote against its application to the entirely different set of circumstances which now prevail.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I move that all debate on the Hobbs amendment to the Dempsey substitute close in 10 minutes.

Mr. NICHOLS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. If the gentleman's motion prevails, will that cut off debate on the Dempsey amendment?

The CHAIRMAN. It will not. The question is on the motion of the gentleman from New York [Mr. CELLER].

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I believe this is the first time in the 15 years I have served here that I have come face to face with a proposition where the minority party is writing our election laws for the country. What my constituency desires is less regulation, less Federal discipline, and more freedom and more liberty.

The purpose of this bill, Mr. Chairman, is not to liberate or free the American voter, but it has as its purpose the denial of political freedom and the right to vote to the rank and file of the American people.

Whom does this regulate? Does it regulate the Governors? No. Does it prohibit the President from making his speeches? No. How about Members of Congress, can they speak? Yes. How about Senators? Yes. Those who are confirmed by the Senate and draw large Federal salaries can participate in political activities.

To whom is this bill directed? It is directed at the weak and underpaid Federal employee. It is not to remove from him the fear of casting his vote properly, but it is to put in his heart the fear that if he defends his political right, defends a principle in which he believes, defends an administration of which he is a part, attends a public dinner with the leaders of his party, contributes 5 cents for an advertisement for his political party, or engages in any kind of political activity, he will be branded as a Federal law violator.

Mr. Chairman, if you are going to place this handicap upon the weak of our Nation, why do you not place it on the rich and politically powerful? Is it right and proper to place upon the W. P. A. employee a penalty and burden that you would not place upon the chairman of your party?

I think it is wrong and un-American for this Congress to legislate to curtail the political right and the political freedom of the W. P. A. employee in my district, who is laboring with a spade for $26 per month.

Mr. Chairman, I choose not to say anything about this bill, but it is apparent that about 10 percent of the Democratic Members of the House will join with the Republican Members of the House and pass this Republican measure. You are going to do it in order to eliminate from the freedom of casting their ballot and attending their little 50-cent dinners given in their own cause the underpaid $26-a-month W. P. A. employees in my district.

Mr. Chairman, I shall vote for the Hobbs amendment, and unless this bill is materially changed I shall vote against its passage. I shall vote to uphold the political rights of the meekest of Federal employees. [Applause.]

Mr. PARSONS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—ayes 68, noes 158.

So the motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOOK].

Mr. HOOK. Mr. Chairman, I am pleased to know that the Members of the House recognize the fact that I was correct when I contended that this bill was unconstitutional and violated the Constitution of the United States. Yes; you on the Republican side can become noisy, but your leaders on that side have had to admit that I was right when I pointed out its unconstitutionality. It is hard to swallow, is it not? Now, you are attempting to remedy the mistake and bring it within the provisions of the Constitution. You have not yet, nor will you, accomplish that most impossible feat.

You cannot make this bill constitutional while you are depriving people of their rights. You are now trying to make the bill constitutional by adopting the Hobbs amendment. You tried to make it constitutional by attempting to adopt the Michener amendment, but that was pointed at the flagrant violation of the first amendment to the Constitution of the United States. How about the violation of the fifth amendment to the Constitution of the United States? I would like to have you think that over, because this bill is unconstitutional, even though you adopt the Hobbs amendment or the Dempsey amendment, or even if you would have adopted the Michener amendment. It is absolutely unconstitutional in all its phases because it is obnoxious to the principles of a free people as handed down to us through the sacrifice of our patriots.

Let me call your attention to the fact that you are now considering what is known as the Hobbs amendment, and then you will consider the Dempsey amendment. That is to section 9. If you will refer to section 4 of the bill, you will find that it states:

Except as may be required by the provisions of subsection (b) of section 9 of this act, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, a person of a position—

And so forth. Now, why are there any exceptions? You may say, "We are going to put an amendment in this bill, but we are going to except certain individuals and allow them to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit." You are going to

try to stop that coercion. Why have any exceptions? If it is unlawful for one person to deprive another of his position, work, or compensation, then it is just as unlawful for another person to do so, even though he holds high office in this Government. Since when is a right determined by the amount of salary a person receives? Is it any more unlawful for a supervisor or another employee to do the threatening than it is for a high official in the Government service to do the threatening?

I think you ought to stop, look, and listen. I think we should vote this whole bill down and stand on the principles of the Constitution of the United States as laid down by our founding fathers. This bill is absolutely unconstitutional. You have admitted it by your own actions. I hope you will stand by the Constitution and vote this bill down. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HOBBS] to the amendment offered by the gentleman from New Mexico [Mr. DEMPSEY].

The question was taken; and on a division (demanded by Mr. CELLER) there were ayes 122, noes 148.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. HOBBS and Mr. MICHENER.

The Committee again divided, and the tellers reported that there were—ayes 124, noes 200.

So the amendment was rejected.

Mr. PARSONS. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from New Mexico [Mr. DEMPSEY].

The Clerk read as follows:

Amendment offered by Mr. PARSONS as an amendment to the amendment offered by Mr. DEMPSEY: At the end of the Dempsey amendment, add a new paragraph, as follows:

"It shall be unlawful for any newspaper, magazine, or other printed periodical, or any printing organization, to accept funds in payment for political advertisements. It shall also be unlawful for any editor of any publication, or any writer, to express editorially or otherwise an opinion with reference to the candidacy of any person for an elective office of the United States or to attend any meeting or conference where the candidacy of any person is to be discussed. The right to vote as one sees fit shall not be abridged by this section."

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. HANCOCK. Mr. Chairman, I make the point of order that the proposed amendment is not germane.

Mr. PARSONS. Mr. Chairman, I believe I have been recognized by the Chair.

Mr. MARTIN of Massachusetts. But the gentleman has not spoken on the amendment yet.

Mr. HANCOCK. Mr. Chairman, I was on my feet making the point of order. Nothing is contained in this whole bill with reference to newspapers or newspaper writers.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. PARSONS. Yes, Mr. Chairman.

This bill is a bill to prevent pernicious political activity. This amendment to the Dempsey amendment seeks to prevent pernicious political activity both by the candidates who run for Federal office and, of course, by the newspapers of the country. Therefore, the amendment is perfectly germane to the bill in every respect.

The CHAIRMAN (Mr. BUCK). The Chair is ready to rule.

The Chair has no doubt as to the germaneness of the amendment to the bill. However, the Chair is of the belief, and will rule accordingly, that this amendment is not germane to the substitute which has been offered by the gentleman from New Mexico [Mr. DEMPSEY]. The Chair, therefore, at this time will sustain the point of order.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the Dempsey amendment.

Mr. Chairman, I presume that every member of the Committee has read the Dempsey amendment, but in the event you have not I would like to have your attention for a minute in order that I may read it to you.

It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

For the purposes of this section—

Now, listen—

the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President—

Which includes his secretaries, the Budget officers, and a few other fortunate people—

(3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relation with foreign powers or in the Nation-wide administration of Federal laws.

These people are exempt from the provisions of this amendment. Why? I have heard no one assign a reason, so I am constrained to believe that they are exempt simply because they are a preferred class of officeholders in the United States.

Why should you deprive the man who wants to take part in his Government, who lives in my congressional district, who holds an unimportant Federal job, from the right of expressing his opinion on things vitally affecting this Nation and in the same bill give that right, which you deny him, to those people who have an important enough position that they must be confirmed by the Senate of the United States? In the name of common sense, has it come to the place where this Congress is going to say that the test of a man's being honorable and honest and upright is the amount of salary that he draws from the Federal Government?

Is this Congress ready to say that we cannot trust you, Mr. Citizen, if you are on the Federal pay roll and do not make over five or six thousand dollars a year? This sets off by itself, in a class preferred, Federal employees, the test of their honor, honesty, and integrity being the amount of money they draw as compensation from the Federal Government.

I do not believe this House is going to agree to any such amendment and then go home and face their country politicians and their constituents and say "I was willing to give the right to be politically active to a man who was appointed by the President, to the Cabinet and to all men who must be confirmed by the United States Senate, but you, you little wart, are not important enough for the Congress of the United States to assume that you are honorable, honest, and upright in your political intentions."

I shall not prescribe to such a philosophy, because the man or woman who holds the lowliest Federal position in my congressional district is just as honest, sincere, and conscientious in their political viewpoint as is the President of the United States or any member of his Cabinet, and I shall not vote to make fish of one and fowl of the other.

A nonrelief W. P. A. timekeeper on X project in X county in my district can be possessed of as much political integrity and honesty as can the President, you, me, or any one of the people given preferred status by this amendment, and I shall never support an amendment to any bill which attempts to discriminate against the political opinion and viewpoint of my W. P. A. timekeeper in favor of the President or any other officeholder within the United States.

[Here the gavel fell.]

Mr. MARCANTONIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am seriously concerned with the danger to the right of the man or woman who has been forced on W. P. A. to exercise his rights as an American citizen, and I

am very apprehensive over the effect that the Dempsey amendment will have on these rights. It is my opinion that if this amendment is adopted in its present form, it will definitely say to the W. P. A. worker that he cannot actively participate in a political campaign. It will deprive him of his constitutional right to work actively for or against any candidate that he may see fit to support or oppose. This type of legislation is legislation which punishes the American men and women who have been forced on the relief rolls of this country through no fault of their own, and I submit that a vote for the Dempsey amendment is a vote which will absolutely establish that the unemployed of this country who are on W. P. A. shall have no right whatsoever to actively participate in any political campaign.

Mr. HANCOCK. Mr. Chairman will the gentleman yield?

Mr. MARCANTONIO. Yes; I yield.

Mr. HANCOCK. Does the gentleman regard those on W. P. A. as holding administrative positions?

Mr. MARCANTONIO. This amendment covers everybody on W. P. A., from the administrator who receives $5,000 a year to the unemployed who receive $55 a month in the city of New York.

This particular amendment is in line with the political philosophy advanced by General Harbord, who advocated that those on relief or on W. P. A. should be deprived of their right to vote. This amendment is a step in that direction. It is a step in seven-league boots toward disenfranchising the unemployed of this country. It is a step in the direction of government by the rich and well-born, and I say, in the name of American democracy, we do not want a patrician form of government. We want that democratic form of government which our forefathers and Abraham Lincoln gave us, which gives the right of franchise to every man and woman in this country who is an American citizen.

Mr. ALLEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. ALLEN of Pennsylvania. Will the gentleman refer particularly to that part of the Dempsey amendment which would deprive a W. P. A. worker of the rights he refers to?

Mr. MARCANTONIO. It is all-inclusive. The Dempsey amendment includes anyone receiving compensation from the Federal Government, and that includes the W. P. A. worker. If that is not true, then let us clarify that point by adopting an amendment to the Dempsey amendment, exempting the W. P. A. workers so that they do not lose their right to engage in political activity.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. MARCANTONIO. I yield.

Mr. VOORHIS of California. I asked the gentleman from New Mexico that very question, because I certainly would not vote for the amendment if I thought it would do what the gentleman thinks it will, and the gentleman from New Mexico stated it would not do that.

Mr. MARCANTONIO. With all due respect to the gentleman from New Mexico, I think he is mistaken. I believe a W. P. A. worker cannot participate in a political campaign under the provisions of the Dempsey amendment.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate upon the Dempsey amendment close in 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate upon the Dempsey amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. PATRICK. Mr. Chairman, Will Rogers, I think, said about the Ten Commandments, as produced by David Wark Griffith, that you could tell most easily where Griffith started and God stopped. There are few things that are sweeter to an American than life itself, and one of those is the right to vote and express himself politically, and the moment you step over the line there is a consciousness of it. Why is the sharp line drawn and felt today between the Dempsey amendment and the Hobbs amendment? Because Americans realize that while we are resentful of pernicious political activities, that we cross over the line when we are abridging the rights of American citizens to do that which every citizen has not only the constitutional right to do but has the fundamental right as a descendant of those who crossed the seas to do as freemen do and of such is his right to express his opinion.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PATRICK. No. What light could you possibly shed on a subject like this, big boy? There is a subconscious realization of it whenever we cross over the sacred line and get into the field beyond our proper bounds. That we are about to assume to do. There is a certain class of people who will rush in where angels fear to tread; and even this body is not always safe from rashness.

Mr. BOLLES. Will the gentleman yield?

Mr. PATRICK. No; I cannot yield. I thank the gentleman for the courtesy. Politics, when properly employed, is the very life of liberty itself; and whenever we go further than is commensurate with human rights, we place a stoppage on the very thing that gives us to public life, and it was the voice and vote of political activity that placed you and me here to represent the people. Those votes expressed their opinion, no matter from what walk of life they came, and when we abridge the right to freely express the sentiments that actuate the vote, we strike down that which is dearer to an American than life itself. We got our poise here for a moment this afternoon when we adopted the Hobbs amendment. Let us get solemn and thoughtful for a change this evening and support sanity, or we may get away from being fully Americans.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. THORKELSON. Mr. Chairman, I am very grateful to the Chairman of the Committee and to the Members of the House in that they have extended the privilege to me of speaking to the Committee for a few minutes. I am not going to support the amendment, and I am not going to support the bill, and my reason for it is this: The Constitution clearly provides that the powers not delegated to the United States by the Constitution or denied by it to the States are reserved to the States respectively or to the people. In the ninth amendment we find that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. The people have reserved the right to themselves to vote. They have reserved the right to themselves to express their opinion, and Members of Congress have no right to pass any law that restricts the rights of the people. After all, the Constitution belongs to the people and it is their mandate to Congress, and you are supposed to follow that document. We are not supposed to make our own laws to tell the people what they ought to do or restrict their rights.

Mr. Chairman, I am very glad that I have had this time, and I hope that the Members will vote down the bill. [Applause.]

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. ALLEN].

Mr. ALLEN of Pennsylvania. Mr. Chairman, I have studied the Dempsey amendment carefully, and I cannot find where in that amendment the right of a W. P. A. worker is abridged in any way. I am for the Dempsey amendment, and I am for it because I sincerely believe that it is restoring to millions of W. P. A. workers who have been coerced and abused in recent years their rights as American citizens. [Applause.]

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not now. If there was anything unequal or discriminatory about this bill, I would be against it. It applies equally to Republicans and to Democrats. In any political campaign I, as one candidate, will start from scratch with my opponent. There is no favoritism shown. I, for one, am perfectly willing, under equal conditions and where decency is trying to be restored, to face any

opponent. [Applause.] In the long run I do not believe that it is spoils or patronage which perpetuates a man or a party in office. In the final analysis it is his record of achievement which he must stand on, all of the patronage in the world notwithstanding. [Applause.]

I doubt if any W. P. A. worker will go to court to recover the privilege of contributing his money to any candidate for political office.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, it is now after 10 o'clock and the House has been in continuous session since 11 o'clock this morning. Many of us have not been out of the Chamber, and many of us have not had luncheon or dinner. In these circumstances the House is decidedly not in the proper mood to give deliberate consideration to the details necessary in drafting legislation. In short, the House is now in that mood where it is for the Hatch bill or against the Hatch bill, for the Dempsey amendment or against the Dempsey amendment, without much regard as to draftsmanship or detail.

I have prepared a clarifying amendment to the Dempsey amendment which I believe to be most vital and necessary. I realize that the bill passing the House tonight will go to conference unless the Senate agrees to the House amendments, and that a bill composing the differences between the two Houses will be returned to the House by the conferees. Therefore my proposed amendment can be given consideration by the conferees and if it is a worthy amendment may be included in the conference report and the House given an opportunity to vote on it at a later date.

The amendment which I have sent to the Clerk's desk reads as follows:

After the word "President" in (2) of the exemptions in the Dempsey amendment, insert the following: As classified prior to the Reorganization Act of 1939 (Public, No. 19, 76th Cong., 1st sess.).

The Dempsey amendment is best understood if divided into four parts:

First. It makes it unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of affecting an election.

Second. It provides that no officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall "take any active part in political management or in political campaigns."

Third. It reiterates that all persons shall still retain their constitutional right to vote as they choose and to avail themselves of the free speech clause of the Constitution. Up to this point the amendment is much the same as section 9 of the Hatch bill.

Fourth. Certain exemptions from the law are specifically provided.

In (1) the President and Vice President of the United States are exempted from the law. This seems fair and reasonable.

I feel sure that the gentleman from New Mexico [Mr. DEMPSEY], believes that in (2) he is exempting from the law the President's secretariat and incidental employees in the White House office. I am informed by Mr. Sheild, clerk of the House Committee on Appropriations, that the moneys appropriated for these functions are: salaries, $136,500; contingent, $50,000. I do not know what information the drafters of the Dempsey amendment had, but I fear that the gentleman from New Mexico [Mr. DEMPSEY], has overlooked the fact that under the Reorganization Act, referred to in my amendment, the President has submitted to the Congress two plans of Government reorganization, by both of which the method of appropriation for certain agencies of the Government is changed. For instance, under plan No. 1, the Bureau of the Budget is transferred to the "executive office of the President" and in the future will be "under the direction and supervision of the President." The same is true of the Central Statistical Board, while the duties of the Central Statistical Committee are transferred to the Bureau of the Budget and are to be under the "direction and supervision of the President." The same is true of the National Resources Planning Board. There was appropriated for these activities in current appropriation bills, $750,000.

Under plan No. 2 all functions of the National Emergency Council, other than those relating to radio and film services, are transferred to the Executive Office of the President and are to be administered under the direction and supervision of the President. For this activity current appropriations carry $850,000 for the Executive Office of the President.

Possibly other agencies or activities of the Government have also been or will be transferred to the Executive Office of the President.

Now, under (2) of the Dempsey amendment, all persons whose compensation is paid from the appropriation of the Office of the President are exempt from the operation of the Hatch bill. If I am correct in this conclusion, then the Dempsey amendment not only exempts the President's secretariat, and so forth, but exempts hundreds of other employees who receive their pay through appropriations made for the Executive Office of the President. The most credulous among us must realize the vast propaganda agency which the National Emergency Council really is. The Dempsey amendment provides a fertile field for the National Emergency Council to do the very thing that the Hatch bill is attempting to stop. I hope that the conferees will see to it that the purpose of the Hatch bill, as it passed the Senate, are effectuated in the legislation as finally drafted.

Subdivision (3) of the Dempsey amendment exempts Cabinet officers and all their assistants.

Subdivision (4) exempts all officers who are appointed by the President by and with the advice and consent of the Senate and who determine policies to be pursued by the United States in relation to the foreign powers or in a Nation-wide administration of Federal laws. Here is a lot of language, and no one here at the moment is able to comtemplate just who will be exempted, but there will certainly be sufficient political supporters of the party in power to make a showing in any campaign or national party convention. This provision will make safe the positions of Mr. Farley, as Postmaster General, and, at the same time, Mr. Farley, chairman of the Democratic National Committee. This provision will make it possible for Mr. McNutt, the recently appointed head of the Federal Securities Administration, to pursue his own Presidential aspirations or to use his fine Italian hand in behalf of his political party and his chief. This provision will not, however, exempt postmasters, because they are not policy-fixing officials.

The Dempsey amendment is intended as a liberalization of the Hatch bill. It undoubtedly is a compromise and, I fear, an effort to weaken the Hatch bill as much as possible.

The people of the country are for the Hatch bill. They do not know what is in the Hatch bill other than they do know that Senator HATCH attempted to take politics out of relief before the last election. They do know that the Sheppard committee investigation proved beyond all doubt that relief funds were used to influence primaries and elections in the 1938 campaign, with particular reference to Kentucky, Pennsylvania, and many other States. This nonpartisan investigating committee recommended the Hatch bill as a specific against political corruption as practiced in the 1938 campaign. The Senate accepted the view of the committee, and the bill is now in our lap. The objectionable amendments incorporated in the bill in the Committee on the Judiciary have been largely removed. Section 9, however, has been sterilized by the Hobbs amendment and will be of no force or effect if adopted as amended. The Dempsey amendment will provide a substitute for section 9. It has its faults. It has its uncertainties. It is better than section 9 with the Hobbs amendment, however, and I shall vote for it and hope that it will prevail when the roll is called.

Subdivision (b) of the Dempsey amendment provides a penalty for violation of the amendment, but sets up no effective machinery for enforcement. Those guilty of violation of the amendment are to be removed "from the position or office held." I ask, by whom? This language should be

clarified and specific direction should be provided making effective the contemplated removal. A statute without a penalty which is enforceable is of little value. Possibly the psychology of the Dempsey amendment will be helpful.

I hope that this penalty clause is not the joker in the amendment. One can hardly imagine the Chief Executive or the political officer in a department removing from office a lieutenant because, perchance, he is out electioneering for the chief. If this amendment is as stringent as it has been pictured, we will hear about it when the bill goes back to the Senate. If it is not so severe after all, possibly the Senate will accept it.

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

Mr. VOORHIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS of California to the amendment offered by Mr. DEMPSEY: At the end of subsection (a) of the amendment strike out the period, insert a semicolon and the following:

"(5) Employed workers on public works or work-relief projects."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California to the amendment offered by the gentleman from New Mexico.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico in the nature of a substitute.

The question was taken; and on a division (demanded by Mr. NICHOLS) there were ayes 187 and noes 103.

Mr. BARRY. Mr. Chairman, I ask for tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. PARSONS and Mr. NICHOLS rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. PARSONS. To offer an amendment.

The CHAIRMAN. Is the gentleman's amendment to this section?

Mr. PARSONS. I am offering the amendment adding a new section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. PARSONS: At the end of section 9 insert a new section, to read as follows:

"SEC. 10. It shall be unlawful for any newspaper, magazine, or other printed periodical, or any printing organization, to accept funds in payment for political advertisements. It shall also be unlawful for any editor of any publication or any writer to express editorially or otherwise an opinion with reference to the candidacy of any person for an elective office of the United States or to attend any meeting or conference where the candidacy of any person is to be discussed. The right to vote as one sees fit shall not be abridged by this section."

Mr. RAMSPECK. Mr. Chairman, I make the point of order that the amendment is in violation of the Constitution of the United States and therefore is not germane.

Mr. PARSONS. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The Chair does not pass on constitutional questions. The point of order raised by the gentleman from Georgia is not a proper point of order.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AUGUST H. ANDRESEN. Would it be in order to give the gentleman the right to proceed for 3 hours?

The CHAIRMAN. It would if the gentleman desired to submit such a request.

Mr. PARSONS. I thank the gentleman from Minnesota for his good intentions to give me plenty of time, but we have been here some 11 hours and I do not desire to consume that much time.

Mr. HOFFMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Illinois yield for a parliamentary inquiry?

Mr. PARSONS. I do not, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois will proceed.

Mr. PARSONS. Mr. Chairman, I am rather certain that the gentlemen to my left will not support this amendment, although they have become so holy and pure in the protection of the rights of the American electorate today that if they are to be consistent they should accept this amendment.

By the language you have incorporated into this bill today you have destroyed the material value of the effort of some 3,000,000 people of the electorate, voters in this country. Why should they be tied and not permitted to engage in expressing their opinion upon political matters while the newspapers of this country are turned loose like leeches upon the people who are candidates for office to criticize in every manner and form, intimidate, and coerce as the Scripps-Howard papers have been intimidating and attempting to intimidate and coerce Congressmen on the floor of this House in the performance of their duty during the last few days?

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. PARSONS. I cannot yield.

It is also evident, Mr. Chairman, that if no one is to be allowed to participate actively in campaigns, then no candidate for office should be called upon or permitted to advertise in any newspaper in the United States with a political advertisement. Then there would be some equality of opportunity between the competitors, and at the same time the public press would not be enriched from political party contributions such as are made to the press every 2 and 4 years, respectively.

I hope the Committee will accept the amendment. [Applause.]

Mr. SABATH. Mr. Chairman, I rise in opposition to the amendment. There should be no misunderstanding but that my colleague from Illinois [Mr. PARSONS] offered this amendment in a facetious spirit. Unfortunately, my Republican friends may not choose to accept it in that spirit, as it is their practice to minimize and ridicule important legislation while lending importance to frivolous and inconsequential proposals such as are contained in the bill before us.

It is indeed a cause of regret to me to observe that Democrats, including some of the leaders, are being made accessories to an ingenious piece of Republican political strategy when they give their support to this bill sponsored by the gentleman from New Mexico. Some day these Democrats will realize that they have been used by the Republicans as catspaws in an attempt to tie the hands of this administration. For that reason, Mr. Chairman, I desire to address myself to my Democratic colleagues.

Mr. MOTT. Mr. Chairman, will the gentleman yield for a question before he speaks to the Democrats?

Mr. SABATH. No. I do not wish to be interrupted at this time by any Republican. I am speaking directly to my Democratic colleagues.

Fellow Democrats, you who were elected by Democrats, with the aid of Democratic organizations in your districts, and with the great prestige of President Roosevelt's popularity behind you, are you blind to the fact that you were sent here to represent your constituents and to support the administration? Will those voters consider this unholy alliance with the Republicans, in a bold attempt to strait jacket millions of those same voters, as the kind of representation you promised them?

Here you have a bill absolutely contrary to the spirit of the Bill of Rights and the fundamental liberties guaranteed under the Constitution. Transgressing upon those liberties, it is in the direction of despotism and dictatorship, an opening wedge for a form of government contrary to that founded by our forefathers.

Here you have a bill that not only prohibits Government employees from expressing political opinions, but even goes

so far as to decree that when an American citizen accepts Federal aid to keep from starving, when it becomes necessary that his name appear on a relief roll, he must thereafter forever be forbidden to express his political opinions. Remember, fellow Democrats, the millions who are accepting one form or another of relief were forced to do so through no fault of their own. Eighteen millions of them saw the factory doors closed to them because of the misrule of a Republican administration. Today there are still millions without employment because finance and industry would blackmail and browbeat them into voting another Republican into power. These vested interests, of course, would like to stifle the opinions of the masses, because these masses learned from hunger and privation that their salvation does not lie with the Republican Party, that the Republican way is the way of economic slavery and starvation.

It may be pointed out that the bill restricts the intimidation of employees by powerful industrialists. But I am not so naive as to believe that these employers will not find a way to let their workers know how they want them to vote, and what an independent vote will bring by way of discharge slips as punishment. Neither am I so optimistic as to imagine for a minute that the penalties provided for violation of the bill will ever be applied, except perhaps in the case of some poor W. P. A. or P. W. A. worker, or some minor Federal employee.

Here is a bill denying groups of citizens the right to discuss or openly consider in convention outside of the sanctum of their own homes—and even that right is questioned—the merit or lack of merit of any candidate's platform, or the platform of any political party. It obviously attempts to deny those in Government service the right of participating in the selection of candidates for delegates to national conventions, in the hope that by so restricting their rights they may choke the next national Democratic convention, to defeat the nomination of a liberal and the drafting of a liberal platform. I am in agreement with the gentleman from Alabama [Mr. HOBBS] in believing that this bill is unconstitutional. Never in our history has such an attempt been made to discriminate and legislate against groups or classes.

Is it not a pathetic situation when the Republicans, with the yearly thousands and thousands in donations from the Rockefellers, the Morgans, and the Du Ponts to count upon, even go so far as to try to deny to the Democratic Party the voluntary contributions of Government workers? The Democratic Party has always had to depend upon small donations, and the Federal worker has usually been a regular contributor to a party which he recognized as best serving the interests of the common people. The Republicans would deny the right of these people to voluntarily contribute to a candidate whose election would insure a fair deal to the poor as well as the rich. This bill is the first step to destruction of political liberty and freedom of speech and opinion.

The next step will be the secret police rapping on the door. A man denied the right to express political opinion is a slave. For Democrats to support such enslavement is a travesty on the name.

In concluding let me recall to my Democratic friends the year of 1896, when a few so-called gold Democrats betrayed the party. History records their reward. And not to be forgotten is the year 1904, when the reactionaries nominated for President a man named Parker. In 1920 and 1924 they nominated John W. Davis and James M. Cox. The result was the same in each instance. The Democratic Party is the party of the people. If we for a moment forget that and attempt to foist upon the people a reactionary or a representative of the vested interests, the people will reject us. The Democratic Party must remain the party of the people. I have served in public life for over 50 years, and in speaking to you as I have done I speak not for myself but for a party I have tried to serve well, a party to which you also belong, and a party I sincerely pray you will not betray. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PARSONS].

The amendment was rejected.

Mr. NICHOLS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 5, after section 9, insert a new section as section 9 (a).

"SEC. 9. (a) (1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

"(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person."

Mr. NICHOLS. Mr. Chairman, I presume it will not be long now until this bill will have passed the House of Representatives and when that has happened we will have limited, I believe, to the complete satisfaction of the most severe critic the activities of the citizen of the United States who happens to be employed by the Federal Government.

My amendment proposes to do a little limiting of citizens who are dissatisfied with our form of government. We have spent a day legislating to place limitations upon American citizens in their right to vote and participate in political activities. Maybe that was necessary and maybe it is good. But I want to tell you that the time is here when we of this body had better begin to give a little concern to the cankerous infection within the vitals of this Government which is being nurtured and fed by those of foreign birth who advocate European "isms" as a substitute for our form of government.

My amendment simply provides that any man or woman on the Federal pay roll who advocates the overthrow of our constitutional form of government shall be separated from the pay roll.

Of course, no one will vote against this amendment. I am very serious about this thing. I think we have gone far enough in our smug complacency in furnishing police protection to Communists, Fascists, and members of the German bund as they in the public square and in public places openly advocate the overthrow of this, the greatest Government in the world.

I think we have probably gone too far in our constitutional guaranties in protecting freedom of speech, and freedom of assemblage for those people who openly advocate the overthrow of this Government and propose to substitute in its place a dictatorship or some other form of government under Communist or Fascist principles. Of course, this amendment will be adopted without a dissenting vote. I know there is not a man or woman here who would dare vote against the amendment. I expect that the committee, even, will accept the amendment.

I say that the time is ripe when we better begin to think seriously about this thing which has grown up in our Government and which is among us, and which day after day proposes the overthrow of this Government. The adoption of my amendment is only a short step in that direction and not a close approach to what we should do by legislation to protect our Government.

No person who is not satisfied with our form of government should be permitted to draw compensation from that Government; and if we are to continue to protect such people while they glibly advocate the overthrowing of this Government, it is my opinion that they should have all of their time to devote to the spreading of this poison and not be hampered by having to devote some of their time to labor for the Government which they propose and hope to destroy.

I am advised that we have many people on the Federal pay roll in the Nation's Capital here in Washington who glibly admit that they are connected with either the Communist, Fascist, or German Bund parties. If this be the case, surely after the adoption of this amendment the executive heads of our various governmental agencies will have

the intestinal fortitude, if in the past they have been so lacking in American patriotism that they have failed to do so heretofore, to discharge these traitors from the Federal pay roll.

My amendment also provides for the imposition of a fine of $1,000 and imprisonment for not to exceed 1 year, or both, upon conviction of being associated with such party or organization. No God-fearing, patriotic American citizen can fail to support this amendment.

To my amazement at the conclusion of the vote on this amendment, 92 Republicans and 2 Democrats had voted against the amendment on a teller vote in the Committee.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. NICHOLS].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 94, noes 97.

Mr. NICHOLS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. NICHOLS and Mr. MICHENER to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 151, noes 96.

So the amendment was agreed to.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on section 9 and all amendments thereto do now close.

The CHAIRMAN. The Chair may state to the gentleman from New York that debate on section 9 has closed and there is no section of the bill now pending before the Committee. The last amendment was to add a new section.

The Clerk read as follows:

SEC. 10. All provisions of this act shall be in addition to, not in substitution for, any other sections of existing law or of this act.

With the following committee amendments:

Page 5, line 11, strike out "any other sections of."
Page 5, line 12, strike out "or of this act."

The committee amendments were agreed to.

Mr. WOLCOTT. Mr. Chairman, I ask unanimous consent that the bill may be amended in line 11 on page 5 by striking out the word "for" and substituting therefor the word "of."

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HOOK. I object, Mr. Chairman.

Mr. SACKS. I object, Mr. Chairman.

The Clerk read as follows:

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Mr. HEALEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is not my purpose to delay the Committee very long, but I thought that I ought to make this statement. As one who sincerely believes in the principles and the objectives of this bill, I want to say that, in view of the fact that the Dempsey amendment has been adopted by the Committee of the Whole, and the amendment offered by the Judiciary Committee, which was presented after a great deal of careful and deliberate consideration, has been rejected, I believe we have exceeded our authority and have deprived many employees of the Government of their very precious and sacred rights and prerogatives. These persons are not in the same position as the classified civil-service employees, because they have not been compensated for the loss of such privileges by the benefits and protection enjoyed by the classified civil-service employees. I believe that we have gone beyond our constitutional right in so amending this bill and have deprived thousands of persons of inherent rights. Therefore, as a member of the committee and one who has worked on this bill sincerely and earnestly, I cannot vote for the bill in its present form and wish to announce that I intend to vote against it. [Applause.]

Mr. ROBSION of Kentucky. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made today.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GREEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREEN: On page 5, line 17, after the period, insert the following: *"Provided,* That this act shall not apply to primary elections."

Mr. GREEN. Mr. Chairman, some members of the Judiciary Committee believe this bill will apply to primary elections. I do not believe the Federal law will supersede the right of a State to have its own primaries; but I believe on this we can all agree: That the Federal Government should not undertake to direct, control, or police State primary elections. The purpose of this amendment is to exempt from the provisions of this bill State primary elections. The primary election is clearly a State right.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Illinois.

Mr. SABATH. Is it not a fact that the primary elections in many States are tantamount to the general elections in the Northern States?

Mr. GREEN. That is very true. In such States as Maine, Vermont, and Alabama, for instance, the primary nomination is tantamount to election.

Mr. SABATH. And the gentleman wants to exempt certain States but does not want to exempt others.

Mr. GREEN. Practically all States have primary elections. I believe it is fair to the party sponsoring this bill, to my left, and also to my friends on the right who are in favor of this bill, that we should have our States' rights preserved and that our State primaries should be held under existing State laws and under the present Federal corrupt-practice laws.

I cannot be a party to disfranchising or beginning the first disfranchisement of the weak and the poor people of my congressional district. This bill is the first wedge in the crack to disfranchise the poor people of America. Comment is now common for property qualification for the right to vote. I hold there should be no property requirement.

If you will trace the history of dictators you will find their first ascent to power—and I wish to remind my Republican colleagues of this—was by taking over and controlling the elections in their empires.

In our country when this bill becomes law you will find the police power extended over our elections, and the poor people of our country, I mean the Federal employees in the lower brackets, will not be able to participate like the high-salaried employees. It is a discrimination, a differential, if you please, between the low-paid Federal employee and the high-paid member of the executive branch. The $26-per-month W. P. A. employee has the same sacred right of political freedom as the President. His rights must be preserved.

This is the first successful effort—and it is about to be successful—to disfranchise the poor people of this country. After all, may I say to you Republicans, sometime you may get in power, you cannot tell. I trust I may not live to see the Republican Party ever ascend to power again in this country, but yet there is such a possibility.

May I say to my friends on the Democratic side, members of the great Democratic Party, that haven of the rank and file, the party that has always protected the meek and the weak of our land, let it not be put upon us that we are the ones who started this class legislation by giving the high-paid Federal employee the right to participate, to contribute, to speak, to attend public meetings, and to run for public office, when the one who is in the $25 or $26 class of Federal employment is denied that right and, if he does participate, is committing a crime and can be taken before a Federal judge and convicted and sent to prison. Such legislation is fundamentally unsound and wrong in principle.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to my colleague.

Mr. CREAL. Speaking about the possibility that the Republicans might be in power, does not the gentleman know that they would repeal this law in 60 days if they were in power?

Mr. GREEN. I remember back under former Republican Presidents what they did with respect to laws that were not of their choice. I recall that the Government had collected large funds by way of income taxes and I recall very well that about $4,000,000,000 was, by law, if you please, passed by a Republican Congress, refunded to those barons of industry who had contributed to the campaign expenses of the Republican Party.

Mr. PATRICK. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield.

Mr. PATRICK. I will ask the gentleman from Florida whether or not the fact that the Republicans are standing in a solid phalanx is an indication of the fact that they realize that?

[Here the gavel fell.]

Mr. HANCOCK. Mr. Chairman, I rise in opposition to the amendment.

I wish to remind the House that some time ago, when section 2 was under consideration, an amendment was adopted making that section applicable to nominations, which, of course, makes it applicable to primaries. If we understood what we were doing then, and I think we did, we will vote down this amendment.

As the gentleman from Florida has said, in many States nomination is equivalent to election and if it is wrong to use undue pressure through the use of political authority and power in an election, by the same token it is wrong to use such power in a primary where the nomination is equivalent to election. This amendment ought to be defeated.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. RAYBURN. Does the gentleman think the Congress has the power to do that?

Mr. HANCOCK. It is merely a limitation on the activities of the Government's own officials. It was offered and adopted as an amendment to section 2 which deals with Federal officials. I do think we have some control over the political activities of those on our pay rolls, especially in primaries for the nomination of Presidential electors or Members of Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker having resumed the chair, Mr. BUCK, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (S. 1871) to prevent pernicious political activities, pursuant to House Resolution 251, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment.

Mr. PARSONS. Mr. Speaker, I demand a separate vote on each amendment.

The SPEAKER. The gentleman from Illinois demands a separate vote on each amendment.

The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. IGLESIAS: On page 2, line 5, after the word "Representatives", strike out the period, insert a comma and the words "Delegates or Commissioners from Territories and insular possessions"; the same to be inserted on page 2, section 2, line 16, after the word "Representatives", insert a comma and the words "Delegates or Commissioners from Territories and insular possessions."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT as a substitute for the committee amendment: On page 2, line 16, after the word "Representatives", as amended, change the colon to a period and strike out the remainder of the section.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—ayes, 213, noes 14.

So the amendment was agreed to.

The following amendments adopted in the Committee of the Whole were severally reported by the Clerk and severally agreed to:

Page 2, line 14, amendment offered by Mr. HANCOCK: At the beginning of the line, before the word "of", insert "or the nomination."

Page 2, line 24, after the word "possible", insert the words "in whole or in part."

Page 3, line 13, after the word "solicit", insert the words "or received."

Page 2, line 14, after the word "soliciting", insert "or receiving."

Page 3, line 21, after the word "person", insert the words "for political purposes."

Page 4, line 17, after the word "Act", strike out "shall be deemed guilty of a felony."

Page 4, line 18, after the word "conviction", insert the word "thereof."

The Clerk read as follows:

On page 4, strike out lines 20 to 25, inclusive, and on page 5, strike out lines 1 to 9, inclusive, and insert in lieu thereof the following:

"SEC. 9. (a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal laws.

"(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person."

The SPEAKER. The question is on agreeing to the amendment.

Mr. PARSONS. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays on the amendment just read. As many as favor ordering the yeas and nays will rise and stand until counted. [After counting.] The Chair will now count the number of Members present to determine whether or not a sufficient number have arisen to order the yeas and nays. [After counting.] Sixty-five Members rose in favor of ordering the yeas and nays. The Chair counted 365 Members present, which would require 73 Members rising to order the yeas and nays. Not a sufficient number rose and the yeas and nays are refused.

Mr. CREAL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CREAL. When the Chair takes the vote of those present and then counts again after they come in from the cloakrooms, is that number counted that comes in after the first number had risen?

The SPEAKER. One-fifth of the Members present in the Chamber are required to order the yeas and nays in the House. When the demand is made, the Chair counts those who rise in favor of taking the vote by the yeas and nays, and it is then the duty of the Chair to determine the total number of Members present in the Chamber and divide that count in order to determine whether or not one-fifth have seconded the demand for the yeas and nays.

The question is on agreeing to the amendment.

Mr. KELLER. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 243, noes 117.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 5, after section 9, insert a new section as section 9 (a):

"SEC. 9 (a). (1) It shall be unlawful for any person employed in any capacity by any agency of the Federal Government, whose compensation, or any part thereof, is paid from funds authorized or appropriated by any act of Congress, to have membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States.

"(2) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HOOK and Mr. KRAMER demanded the yeas and nays.

The SPEAKER. The gentleman from Michigan and the gentleman from California demand the yeas and nays. [After counting.] Thirty-eight Members have arisen; not a sufficient number. The yeas and nays are refused.

The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Committee amendment: On page 5, in line 11, after the word "for", strike out the words "any other sections of."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: On page 5, in line 12, after the word "law", strike out the words "or of this act."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

Mr. MICHENER. Mr. Speaker, my attention has been called to the fact that the amendment on lines 14 and 18 of section 5, page 3, was not voted upon.

The SPEAKER. The Chair is advised that the amendment on page 3, line 14 and line 18, was rejected in Committee of the Whole. Therefore it was not reported.

The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HEALEY. Mr. Speaker, I offer a motion to recommit the bill to the Committee on the Judiciary.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HEALEY. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts.

The Clerk read as follows:

Mr. HEALEY moves to recommit the bill to the Committee on the Judiciary.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. HEALEY) there were—ayes 153, noes 245.

Mr. HEALEY. Mr. Speaker, I request the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 232, answered "present" 1, not voting 50, as follows:

[Roll No. 141]

YEAS—146

Arnold	Bland	Bulwinkle	Chandler
Barden	Bloom	Burgin	Clark
Barnes	Boland	Caldwell	Coffee, Wash.
Barry	Boykin	Cannon, Fla.	Collins
Bates, Ky.	Bradley, Pa.	Cannon, Mo.	Colmer
Beam	Brown, Ga.	Casey, Mass.	Creal
Bell	Buck	Celler	Crowe
Cullen	Hill	May	Satterfield
D'Alesandro	Hobbs	Merritt	Schaefer, Ill.
Delaney	Hook	Mills, Ark.	Schuetz
Dickstein	Izac	Mitchell	Scrugham
Dingell	Jacobsen	Moser	Shanley
Doughton	Jarman	Murdock, Ariz.	Shannon
Duncan	Johnson, Lyndon	Murdock, Utah	Sheppard
Dunn	Johnson, Okla.	Myers	Sirovich
Durham	Johnson, W. Va.	Nelson	Smith, Wash.
Eberharter	Kee	Nichols	Snyder
Edmiston	Keller	Norton	Somers, N. Y.
Elliott	Kennedy, Md.	O'Connor	Sparkman
Ellis	Kennedy, Michael	O'Day	Spence
Faddis	Keogh	O'Leary	Steagall
Fay	Kirwan	O'Neal	Sutphin
Flaherty	Kocialkowski	O'Toole	Tarver
Flannagan	Kramer	Parsons	Tenerowicz
Folger	Larrabee	Patrick	Vincent, Ky.
Ford, Thomas F.	Leavy	Patton	Vinson, Ga.
Fries	Lesinski	Peterson, Fla.	Wallgren
Gavagan	McAndrews	Peterson, Ga.	Walter
Gibbs	McArdle	Pierce, Oreg.	Weaver
Grant, Ala.	McGranery	Rabaut	Whelchel
Green	McKeough	Rankin	White, Idaho
Gregory	McMillan, John L.	Richards	Williams, Mo.
Hart	McMillan, Thos. S.	Robinson, Utah	Wood
Havenner	Maciejewski	Rogers, Okla.	Zimmerman
Healey	Marcantonio	Romjue	The Speaker
Hendricks	Martin, Colo.	Sabath	
Hennings	Martin, Ill.	Sacks	

NAYS—232

Alexander	Dowell	Jones, Tex.	Reed, Ill.
Allen, Ill.	Doxey	Kean	Rees, Kans.
Allen, La.	Drewry	Keefe	Rich
Allen, Pa.	Dworshak	Kennedy, Martin	Risk
Andersen, H. Carl	Eaton, N. J.	Kilday	Robertson
Anderson, Mo.	Elston	Kinzer	Robsion, Ky.
Andresen, A. H.	Engel	Kitchens	Rockefeller
Angell	Englebright	Kleberg	Rodgers, Pa.
Arends	Fenton	Knutson	Rogers, Mass.
Ashbrook	Fish	Kunkel	Routzohn
Austin	Flannery	Lambertson	Rutherford
Ball	Ford, Leland M.	Landis	Sandager
Barton	Gamble	Lanham	Schafer, Wis.
Bates, Mass.	Garrett	LeCompte	Schiffler
Beckworth	Gartner	Lemke	Seccombe
Bender	Gathings	Lewis, Colo.	Seger
Blackney	Gearhart	Lewis, Ohio	Shafer, Mich.
Boehne	Gehrmann	Luce	Short
Bolles	Gerlach	Ludlow	Simpson
Bolton	Gilchrist	McCormack	Smith, Conn.
Bradley, Mich.	Gillie	McDowell	Smith, Ill.
Brewster	Gore	McGehee	Smith, Maine
Brooks	Gossett	McLaughlin	South
Brown, Ohio	Graham	McLean	Springer
Byrns, Tenn.	Grant, Ind.	McLeod	Starnes, Ala.
Carlson	Griffith	Maas	Stearns, N. H.
Carter	Gross	Mahon	Stefan
Cartwright	Guyer, Kans.	Maloney	Sumner, Ill.
Case, S. Dak.	Gwynne	Mapes	Sweeney
Chapman	Hall	Marshall	Taber
Chiperfield	Halleck	Martin, Iowa	Talle
Church	Hancock	Martin, Mass.	Taylor, Tenn.
Clason	Harness	Mason	Terry
Claypool	Harrington	Michener	Thill
Clevenger	Harter, N. Y.	Miller	Thomas, N. J.
Cochran	Harter, Ohio	Mills, La.	Thomas, Tex.
Coffee, Nebr.	Hartley	Monkiewicz	Thomason
Cole, Md.	Hawks	Monroney	Tibbott
Cole, N. Y.	Heinke	Mott	Tinkham
Cooper	Hess	Mouton	Treadway
Corbett	Hinshaw	Mundt	Van Zandt
Costello	Hoffman	Murray	Voorhis, Calif.
Courtney	Holmes	Norrell	Vorys, Ohio
Cox	Hope	O'Brien	Vreeland
Crawford	Horton	Oliver	Wadsworth
Crosser	Houston	Osmers	Ward
Crowther	Hull	Pace	Welch
Culkin	Hunter	Pearson	West
Curtis	Jarrett	Pierce, N. Y.	Wheat
Darden	Jeffries	Pittenger	White, Ohio
Darrow	Jenkins, Ohio	Plumley	Whittington
Dempsey	Jenks, N. H.	Poage	Wigglesworth
DeRouen	Jensen	Polk	Williams, Del.
Dirksen	Johns	Powers	Winter
Disney	Johnson, Ill.	Ramspeck	Wolcott
Ditter	Johnson, Ind.	Randolph	Wolverton, N. J.
Dondero	Johnson, Luther A.	Rayburn	Woodruff, Mich.
Douglas	Jones, Ohio	Reece, Tenn.	Youngdahl

ANSWERED "PRESENT"—1

Thorkelson

NOT VOTING—50

Anderson, Calif.	Cluett	Fitzpatrick	Mansfield
Andrews	Connery	Ford, Miss.	Massingale
Boren	Cooley	Fulmer	Patman
Bryson	Cummings	Geyer, Calif.	Pfeifer
Buckler, Minn.	Curley	Gifford	Reed, N. Y.
Buckley, N. Y.	Dies	Hare	Ryan
Burch	Eaton, Calif.	Kelly	Sasscer
Burdick	Evans	Kerr	Schulte
Byrne, N. Y.	Ferguson	Lea	Schwert
Byron	Fernandez	Magnuson	Secrest

Smith, Ohio	Sullivan	Tolan	Wolfenden, Pa.
Smith, Va.	Sumners, Tex.	Warren	Woodrum, Va.
Smith, W. Va.	Taylor, Colo.		

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD and he answered "yea."

Mr. BOLLES changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. Thorkelson (for) with Mr. Reed of New York (against).
Mr. Pfeifer (for) with Mr. Wolfenden of Pennsylvania (against).
Mr. Byron (for) with Mr. Andrews (against).
Mr. Woodrum of Virginia (for) with Mr. Ford of Mississippi (against).
Mr. Sasscer (for) with Mr. Mansfield (against).
Mr. Kelly (for) with Mr. Anderson of California (against).
Mr. Burch (for) with Mr. Smith of Ohio (against).
Mr. Magnuson (for) with Mr. Gifford (against).
Mr. Sullivan (for) with Mr. Cluett (against).

General pairs:

Mr. Warren with Mr. Eaton of California.
Mr. Cooley with Mr. Burdick.
Mr. Smith of Virginia with Mr. Buckler of Minnesota.
Mr. Fitzpatrick with Mr. Boren.
Mr. Cummings with Mr. Geyer of California.
Mr. Patman with Mr. Buckley of New York.
Mr. Lea with Mr. Smith of West Virginia.
Mr. Fulmer with Mr. Bryson.
Mr. Kerr with Mr. Secrest.
Mr. Hare with Mr. Tolan.
Mr. Dies with Mr. Ryan.
Mr. Schulte with Mr. Evans.
Mr. Massingale with Mr. Connery.
Mr. Ferguson with Mr. Schwert.
Mr. Sumners of Texas with Mr. Byrne of New York.
Mr. Fernandez with Mr. Taylor of Colorado.

Mr. THORKELSON. Mr. Speaker, I was paired with the gentleman from New York, Mr. REED. Had he been here he would have voted "nay." I therefore withdraw my vote of "yea" and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. HANCOCK. Mr. Speaker, on final passage I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 241, nays 134, answered "present" 1, not voting 52, as follows:

[Roll No. 142]

YEAS—241

Alexander	Corbett	Grant, Ind.	Kleberg
Allen, Ill.	Costello	Griffith	Knutson
Allen, La.	Courtney	Gross	Kunkel
Allen, Pa.	Crawford	Guyer, Kans.	Lambertson
Andersen, H. Carl	Crosser	Gwynne	Landis
Anderson, Mo.	Crowther	Hall	Lanham
Andresen, A. H.	Culkin	Halleck	LeCompte
Angell	Curtis	Hancock	Lemke
Arends	Darden	Harness	Lewis, Colo.
Ashbrook	Darrow	Harrington	Lewis, Ohio
Austin	Dempsey	Harter, N. Y.	Luce
Ball	DeRouen	Harter, Ohio	Ludlow
Barton	Dirksen	Hartley	McCormack
Bates, Mass.	Disney	Hawks	McDowell
Beckworth	Ditter	Heinke	McGehee
Bender	Dondero	Hess	McLaughlin
Blackney	Douglas	Hinshaw	McLean
Boehne	Dowell	Hoffman	McLeod
Bolles	Doxey	Holmes	Maas
Bolton	Drewry	Hope	Mahon
Bradley, Mich.	Dworshak	Horton	Maloney
Brewster	Eaton, N. J.	Houston	Mapes
Brooks	Elston	Hull	Marshall
Brown, Ohio	Engel	Hunter	Martin, Iowa
Burgin	Englebright	Jacobsen	Martin, Mass.
Byrns, Tenn.	Fenton	Jarrett	Mason
Carlson	Fish	Jeffries	Michener
Carter	Flannery	Jenkins, Ohio	Miller
Cartwright	Ford, Leland M.	Jenks, N. H.	Mills, La.
Case, S. Dak.	Fulmer	Jensen	Monkiewicz
Chapman	Gamble	Johns	Monroney
Chiperfield	Garrett	Johnson, Ill.	Mott
Church	Gartner	Johnson, Ind.	Mouton
Clason	Gathings	Johnson, Luther A.	Mundt
Claypool	Gearhart	Johnson, Okla.	Murray
Clevenger	Gehrmann	Jones, Ohio	Nichols
Cochran	Gerlach	Jones, Tex.	Norrell
Coffee, Nebr.	Gilchrist	Kean	O'Brien
Cole, Md.	Gillie	Keefe	Oliver
Cole, N. Y.	Gore	Kilday	Osmers
Colmer	Gossett	Kinzer	Pace
Cooper	Graham	Kitchens	Patton
Pearson	Rodgers, Pa.	Stefan	Wadsworth
Pierce, N. Y.	Rogers, Mass.	Sumner, Ill.	Walter
Pittenger	Routzohn	Sutphin	Ward
Plumley	Rutherford	Sweeney	Welch
Poage	Sandager	Taber	West
Polk	Schafer, Wis.	Talle	Wheat
Powers	Schiffler	Taylor, Tenn.	Whelchel
Ramspeck	Seccombe	Terry	White, Ohio
Randolph	Seger	Thill	Whittington
Rankin	Shafer, Mich.	Thomas, N. J.	Wigglesworth
Rayburn	Short	Thomas, Tex.	Williams, Del.
Reece, Tenn.	Simpson	Thomason	Winter
Reed, Ill.	Smith, Conn.	Tibbott	Wolcott
Rees, Kans.	Smith, Ill.	Tinkham	Wolverton, N. J.
Rich	Smith, Maine	Treadway	Woodruff, Mich.
Risk	South	Van Zandt	Youngdahl
Robertson	Springer	Voorhis, Calif.	
Robsion, Ky.	Starnes, Ala.	Vorys, Ohio	
Rockefeller	Stearns, N. H.	Vreeland	

NAYS—134

Arnold	Dunn	Keogh	Peterson, Ga.
Barden	Durham	Kirwan	Pierce, Oreg.
Barnes	Eberharter	Kocialkowski	Rabaut
Barry	Edmiston	Kramer	Richards
Bates, Ky.	Elliott	Larrabee	Robinson, Utah
Beam	Ellis	Leavy	Rogers, Okla.
Bell	Faddis	Lesinski	Romjue
Bland	Fay	McAndrews	Sabath
Bloom	Flaherty	McArdle	Sacks
Boland	Flannagan	McGranery	Satterfield
Boykin	Ford, Thomas F.	McKeough	Schaefer, Ill.
Bradley, Pa.	Fries	McMillan, John L.	Schuetz
Brown, Ga.	Gavagan	McMillan, Thos. S.	Scrugham
Buck	Gibbs	Maciejewski	Shanley
Bulwinkle	Grant, Ala.	Marcantonio	Shannon
Caldwell	Green	Martin, Colo.	Sheppard
Cannon, Fla.	Gregory	Martin, Ill.	Sirovich
Cannon, Mo.	Hart	May	Smith, Wash.
Casey, Mass.	Havenner	Merritt	Snyder
Celler	Healey	Mills, Ark.	Somers, N. Y.
Chandler	Hendricks	Mitchell	Sparkman
Clark	Hennings	Moser	Spence
Coffee, Wash.	Hill	Murdock, Utah	Steagall
Collins	Hobbs	Myers	Tarver
Cox	Hook	Nelson	Tenerowicz
Creal	Izac	Norton	Vincent, Ky.
Crowe	Jarman	O'Connor	Vinson, Ga.
Cullen	Johnson, Lyndon	O'Day	Weaver
D'Alesandro	Johnson, W. Va.	O'Leary	White, Idaho
Delaney	Kee	O'Neal	Williams, Mo.
Dickstein	Keller	O'Toole	Wood
Dingell	Kennedy, Martin	Parsons	Zimmerman
Doughton	Kennedy, Md.	Patrick	
Duncan	Kennedy, Michael	Peterson, Fla.	

ANSWERED "PRESENT"—1

Thorkelson

NOT VOTING—52

Anderson, Calif.	Cummings	Kelly	Schwert
Andrews	Curley	Kerr	Secrest
Boren	Dies	Lea	Smith, Ohio
Bryson	Eaton, Calif.	Magnuson	Smith, Va.
Buckler, Minn.	Evans	Mansfield	Smith, W. Va.
Buckley, N. Y.	Ferguson	Massingale	Sullivan
Burch	Fernandez	Murdock, Ariz.	Sumners, Tex.
Burdick	Fitzpatrick	Patman	Taylor, Colo.
Byrne, N. Y.	Folger	Pfeifer	Tolan
Byron	Ford, Miss.	Reed, N. Y.	Wallgren
Cluett	Geyer, Calif.	Ryan	Warren
Connery	Gifford	Sasscer	Wolfenden, Pa.
Cooley	Hare	Schulte	Woodrum, Va.

So, the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Reed of New York (for) with Mr. Thorkelson (against).
Mr. Wolfenden of Pennsylvania (for) with Mr. Pfeifer (against).
Mr. Andrews (for) with Mr. Byron (against).
Mr. Ford of Mississippi (for) with Mr. Woodrum of Virginia (against).
Mr. Mansfield (for) wth Mr. Sasscer, (against).
Mr. Anderson of California (for) with Mr. Kelly (against).
Mr. Smith of Ohio (for) with Mr. Burch (against).
Mr. Gifford (for) with Mr. Magnuson (against).
Mr. Cluett (for) with Mr. Sullivan (against).

General pairs:

Mr. Warren with Mr. Eaton of California.
Mr. Cooley with Mr. Burdick.
Mr. Smith of Virginia with Mr. Buckler of Minnesota.
Mr. Fitzpatrick with Mr. Boren.
Mr. Cummings with Mr. Geyer of California.
Mr. Patman with Mr. Buckley of New York.
Mr. Lea with Mr. Smith of West Virginia.
Mr. Kerr with Mr. Secrest.
Mr. Curley with Mr. Bryson.
Mr. Hare with Mr. Tolan.
Mr. Dies with Mr. Ryan.
Mr. Schulte with Mr. Evans.
Mr. Massingale with Mr. Connery.
Mr. Ferguson with Mr. Schwert.

Mr. Sumners of Texas with Mr. Byrne of New York.
Mr. Fernandez with Mr. Taylor of Colorado.
Mr. Folger with Mr. Wallgren.

Mr. THORKELSON. Mr. Speaker, I am paired with the gentleman from New York, Mr. REED. If he had been here he would have voted "yea." I voted "nay." I withdraw my vote of "nay" and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. St. Claire, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 342. Joint resolution relating to section 322 of the Agricultural Adjustment Act of 1938, as amended; and

H. J. Res. 343. Joint resolution to amend section 335 (c) of the Agricultural Adjustment Act of 1938, as amended.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 188) entitled "An act to provide for the administration of the United States courts, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATCH, Mr. LOGAN, Mr. BURKE, Mr. AUSTIN, and Mr. DANAHER to be the conferees on the part of the Senate.

AMENDMENT TO INTERSTATE COMMERCE ACT

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 1232), which was referred to the House Calendar and ordered to be printed.

House Resolution 262

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2009, an act to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 6 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute committee amendment recommended by the Committee on Interstate and Foreign Commerce now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and quote briefly from the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

Mr. D'ALESANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a radio address I made last night and a short schedule of the program.

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. D'ALESANDRO]?

There was no objection.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island [Mr. SANDAGER]?

There was no objection.

Mr. SANDAGER. Mr. Speaker, last week, while my colleague from Rhode Island, Mr. RISK, was here in Washington his home was picketed by a group of people. The reason for the picketing, according to the placards carried by people in the line, was his vote in favor of the so-called 1940 W. P. A. bill.

Because of the distress this picketing caused Mrs. Risk and her little children, my colleague was forced to return to his home. At the present time he has arranged for his family to stay with friends, having been driven from home by fear of harm. This happening should be of interest to every Member of this House, because it involves the question of whether or not a Representative in Congress or members of his family should be subjected to annoyance or intimidation as a result of any vote cast here.

That the good people of Rhode Island are with him in this fight, including W. P. A. workers, is evident from the following editorials from two of the leading newspapers in the State, the Providence Journal and the Pawtucket Times:

[From the Pawtucket Times of July 19, 1939]

BRUTAL AND INDECENT

Within the past few days the people of this community have witnessed a cowardly and un-American attack on an American official who is their neighbor and a friend of many of them.

The demonstration against Congressman CHARLES F. RISK was cowardly because those who participated in it depended on the weight of numbers to evade the ordinary courses of law. The Woonsocket incident, the hanging in effigy of Congressman RISK, was an outrage which revolted all sense of decency, was un-American in conception and execution. This orgy of rowdyism affronted decent people of all political beliefs because the methods and tactics were utterly out of keeping with the American way of dealing with public matters.

Moreover, it is worthy of note—and this fact should be kept in mind—that the demonstrators showed that they lacked even the most elemental understanding of the matters with which they were dealing. Mr. RISK did not vote against the ideals they advocate. He supported them. But they, blindly, without acquainting themselves with the facts, proceeded to assail him in a manner so disgraceful and outrageous as to bring on themselves the condemnation of all Rhode Island.

Those who disagree with Mr. RISK have a perfect right to disagree, but there is an orderly, an American way of expressing disapproval of a public official's course. The mob, the pickets, demonstrators who have paraded in front of his home, causing discomfort to his family, have ignored all his rights and his family's rights. The conduct of these radical demonstrators is condemned by this newspaper and we believe it is condemned by the community as a whole.

Men with no right to interfere with his personal affairs have invaded the privacy of his home life. They have sought to frighten his family in his absence and if there is any credit in frightening women and children they are entitled to that credit.

They have indulged in vituperation and abuse because a public man has done his duty as he saw it.

They have acted, not as American citizens making their protest on a political issue, but as mobsmen promoting deeds of near violence.

We have differed with CHARLES F. RISK in the past, have taken issue with him, and called attention to what, we believe, was a mistaken vote cast by him in the National House of Representatives. But we have done this in the orderly, constitutional manner which is the right of every American.

We do not contend that Mr. RISK as a Member of Congress should never be criticized, but we condemn—and the people of the whole congressional district condemn—the ugly, insulting, brutal methods used by these demonstrators.

They have departed from the rule of decent citizenship; they have trespassed on his rights as a citizen and a holder of high public office.

They have indulged in a cheap exhibition of lawlessness and any shred of right that is in their original argument is destroyed by their brutal methods.

The people of the First Rhode Island Congressional District do not believe in mob law. They have no sympathy with a crowd of demonstrators using the tactics of mob rule.

[From the Providence (R. I.) Journal of July 16, 1939]

INEXCUSABLE TACTICS

The picketing of Congressman RISK's home in Saylesville as a protest against his vote on the Federal Relief Act should promote

public support of the proper stand he took in favor of the new W. P. A. regulations.

Those who subject Mr. RISK and his family to this annoyance and unjust discrimination fail utterly to understand that he cast no vote to decrease the appropriation for relief. That was not the issue. Congressman RISK did not seek to deprive W. P. A. workers of the amounts they have been receiving. He sided with the congressional majority which enacted the Federal law eliminating the prevailing wage schedules, establishing the 18-month rotation, and requiring a 130-hour monthly working period at security wages sufficient to provide as large a payment as before under the previous system of shorter hours and prevailing wages.

Federal W. P. A. officials, though unable to link the picketing with present W. P. A. employees in Rhode Island, indicated unmistakable opposition to such tactics. Any partisan political attempts to embarrass Mr. RISK by ill-advised conduct would most certainly arouse indignation among all good citizens of Rhode Island. As it is, Mr. RISK's constituents and fellow citizens, irrespective of party affiliation, should inform him of their distaste for the picketing and of their approval of his vote on the Relief Act.

EXTENSION OF REMARKS

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include two editorials, one from the Providence Journal and the other from the Pawtucket Times, commenting on the occasion I just referred to.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island [Mr. SANDAGER]?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement from the Economist of July 1.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

There was no objection.

ANNOUNCEMENT

Mr. COLE of New York. Mr. Speaker, my colleague the gentleman from New York, Mr. ANDREWS, was called out of the city to attend the funeral of a prominent citizen of New York. If present, he would have voted for the so-called Dempsey amendment and for the passage of the bill.

EXTENSION OF REMARKS

Mr. SCHAFER of Wisconsin. Mr. Speaker, in the June issue of the Sugar Journal there is an article entitled "An Ache in the Nation's Sweet Tooth," written by the gentleman from Montana [Mr. O'CONNOR]. I ask unanimous consent to extend my own remarks in the RECORD and to include therein this article.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

There was no objection.

ANNOUNCEMENT

Mr. D'ALESANDRO. Mr. Speaker, my colleague the gentleman from Maryland, Mr. BYRON, was necessarily detained from the House this afternoon. Had he been present he would have voted for the Smith resolution and against the so-called Hatch bill.

EXTENSION OF REMARKS

Mr. BRADLEY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from the American Zionist Bureau and also from the gentleman from New York [Mr. FAY].

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. BRADLEY]?

There was no objection.

The SPEAKER. Under a previous special order, the gentleman from Michigan [Mr. HOFFMAN] is entitled to recognition.

THE C. I. O. WILL DESTROY THE LIBERTY OF THE FARMER UNLESS HE AWAKENS TO HIS PERIL

Mr. HOFFMAN. Mr. Speaker, if in America there is one man upon whom more than any other rests the foundation of our Government that man is the farmer.

As a rule the farmer owns the land upon which he lives. From out of it, by hard and constant toil, he digs his livelihood. He is thrifty; he is frugal; he is industrious. Because he desires to retain his independence, he denies himself many things which others consider necessities. He lives within his income. He attends to his own business; interferes little or not at all in the problems which confront others. He has his home, his family, and his church.

As from the soil which he owns he wrests his living, he is one step farther removed in times of depression from absolute want than the city dweller. When prices are low and business bad, when markets are gone, the farmer turns to the farm which his ancestors carved from the wilderness or which he, by practicing self-denial, has acquired.

Toiling from early morning until late at night, doing without, existing upon what many a city man might consider a starvation diet, in some way he manages to keep body and soul together, while the industrial worker, the city man, out of a job and his resources swept away, is forced to seek relief or starve.

BUT DISASTER THREATENS

City men, industrial workers, dependent wholly upon a daily wage, crowded together in town or city, have for years received a higher cash compensation for their services than has the farmer. Town and city dwellers have come to regard as necessities many things which the farmer is forced to consider as luxuries and is unable to obtain.

While the prices received by the farmer for the things he grows and has to sell have for the most part been limited by the law of supply and demand, while the prices of the things he buys are in many cases artificially fixed by wage scales, union demands, and regulations, the town and city worker has been demanding and has been receiving an ever-increasing hourly compensation for the services he renders.

Industrial workers formed unions which insisted upon and obtained an ever-increasing wage and ever-shortened workweek, both of which necessarily added to the cost of the things produced, and were reflected in the price charged the farmer, who had no means of evading or of correcting the ever-widening difference between the price he received for the things he had to sell and the price he paid for the things he must purchase.

THE FARMER HAS BEEN PATIENT

Being generous, patient, and long-suffering, the farmer, subscribing in part to the theory that a high industrial wage created a market for his products, has long submitted to injustice, to discrimination, which has made it more and more difficult for him to carry on a successful enterprise. He has submitted so long that today he lacks many of the conveniences of, is unable to enjoy many of the pleasures of, is forced to live upon a much lower scale than, the majority of city workers.

AN ADDED BURDEN UPON THE FARMER

In addition to the increase in wages and the shortened hours of the mine, mill, and factory worker which has come through the demands of the legitimate unions, an additional and a far greater danger threatens not only the economic welfare but the independence of the farmer.

RACKETEERS HAVE TRANSFERRED THEIR ACTIVITIES

Racketeers who profited enormously during the prohibition era, with the repeal of that amendment have in large numbers transferred their activities to union organizations, and, like the leeches, the parasites which live upon plants, trees, and the lower animals, are exploiting not only the employee but are blackmailing the employer.

Styling themselves labor leaders, by the aid of money collected from honest toilers through efficient organization, a disregard for law and the rights of others; by intimidation and ruthless violence, in violation of every principle of justice, in defiance of every legal and moral right of Federal and State constitutional guaranty that no man shall be deprived of his property without due process of law; ignoring the self-evident truth that, among the inalienable rights endowed to all men by their Creator are those to life, liberty, and the pursuit of happiness—these men now demand that all employers, all those who give jobs and pay wages, shall hire only those who belong to their organization.

They demand that all employees, all men and all women, who earn their livelihood, shall join and pay tribute to an

organization named by them. They demand the right to fix the terms, to determine the amount of the initiation fee, the amount of monthly dues, which shall be paid to them for the privilege of working, and they exercise the authority of collecting and spending the tribute so levied without hindrance, accounting, or supervision.

In short they claim and they assert, in many instances by force, the right in ancient days exercised only by king, czar, or emperor.

DICTATORS OVER LABOR

John L. Lewis, whose telegram on June 19, 1922, to members of his union at Herrin, Ill., was followed on June 21 by the death by beating, shooting, and hanging of 25 workers, sought through his United Mine Workers, aided by the National Labor Relations Board, to force soft-coal operators in Harlan, Ky., to agree in writing that they give employment only to those miners who first join and pay tribute to Lewis' organization.

He demanded that no miner in that county follow his daily occupation until that miner signed a membership card in Lewis' organization, paid an initiation fee, and agreed to meet such special assessments as the organization to which Lewis belongs shall make.

The statement of the proposition is an insult to every liberty-loving American. Nevertheless, by force and in direct violation, as many believe, of the National Labor Relations Act, Lewis has forced a large majority of coal operators, a majority of soft-coal miners, in this country to meet his demands.

On July 9, 1939, in Harlan County, an official of one of Lewis' organizations publicly called upon members of Lewis' organization to do two things: To vote for John Young Brown, Lewis' candidate for Governor, undoubtedly with the idea that with Brown as Governor protection of property and of individuals in Harlan County would be withdrawn by the State of Kentucky and that Lewis would have in the executive mansion a man who would do his bidding. In addition, Lewis' lieutenant told his hearers to "get" out of the Harlan mines those miners who were exercising their God-given right to work.

Three days later an attempt was made to carry out those orders; as a result two men died—not as many as at Herrin, Ill., in 1922—and several have been wounded and the battle undoubtedly will continue.

MOTOR INDUSTRY

In 1937, the C. I. O., many of its leaders Communists, using Communist methods, with armed forces invaded Michigan, took possession of the city of Flint, of the motor industry there; drove thousands of men and women from their places of employment. With the aid of the Governor of that State, who violated his oath of office, by force they held possession of that city and some of its factories for 44 long days, causing a loss to the wage earners alone of $44,000,000.

Again, 2 years later, and there were more than a thousand strikes in between, a strike is on in the motor industry in Michigan, but this time—and thank God for it—Michigan has a Governor who has declared that the law will be enforced; that men will be permitted to work and, when violence threatened during the past week, a squad of 10 or less State police told 700 pickets to cease their lawlessness, to leave the factory gates. The pickets, knowing that the law would be enforced, that men would be permitted to work, left, and this without violence.

In the motor industry the demand today is the same as it is in the coal industry—that before men may work they shall be required to acknowledge allegiance to Lewis' organization, to pay tribute to him.

PACKING INDUSTRY

Today Lewis' affiliates, his lawless organization, is demanding that in Chicago the great packing industry, the men who buy the farmers' cattle, hogs, and poultry, who process those products and redistribute them throughout the Nation, shall agree that no one shall work in that industry until he, too, has acknowledged Lewis as the ruler over labor—has paid the tribute demanded by him.

There is no doubt in the mind of any man who thinks and reasons but that these membership fees, these dues and special assessments collected by Lewis, who was voted a salary of $25,000 a year and who at times has had an expense account of $1,000 a month; who rides with a chauffeur in an expensive limousine; who lives in comparative luxury, adds to the cost of the manufactured article which the farmer must buy; lessens the cost of the produce which the farmer sells to the packer, to the automobile manufacturer.

IT MIGHT WORK BOTH WAYS

Have been wondering what those who insist that only members of their particular organization be permitted to work, for example, in the motor industry, in the packing plants, would say, should all others who do not belong to that organization and hence who cannot work in those industries, refuse to buy any of the products manufactured by the members of that particular organization.

What a yell John L. Lewis would let out if all those who do not belong to the C. I. O. or its affiliated organizations refused to purchase any of those things which members of his organization assisted in manufacturing.

THE RED MENACE IS COMING TO THE HOME OF THE FARMER

Not only does the farmer pay in added cost of what he buys, in lessened price for what he sells, for these activities of Lewis, who each year, according to the reports of his own organization, collects millions of dollars from the workers, but it is the purpose of Lewis and his coworkers to compel the farmers themselves to pay tribute to him.

Long have farmers been indifferent to the activities of these labor racketeers, but ever nearer to their homes and farms has this red menace been coming. Communists have inserted themselves into the leadership of this movement. They have dictated many of its methods and practices, and it is well that the home-loving, God-fearing American farmer should realize at last, and before it is too late, the meaning of the creed of these Communists that Lewis and his C. I. O. are using, and who are using Lewis and his C. I. O.

In a circular put out by a Communist organization in Michigan during an election, we find these quotations:

> To all who hate the smug priests of the Catholic Church, and the slimy hypocritical ministers of the Protestant churches. * * * To all who are opposed by this damnable Government, we address this message. Vote for our candidate.
>
> Close the churches and make these buildings into shelters for homeless men and women. Down with religion, which is opium which the ruling class feeds you to keep you satisfied with the miserable existence which you lead. There is no God.

Read the above again. Then read it to your wife and read it to your children. Then sit down and think it over. It is a part of the creed of those who are working hand in glove with John L. Lewis' organization. That organization has boldly asserted that it intends to bring the farmer within its folds. Already in various parts of the country this organization has asserted its authority.

In California it demands that poultry and farm products put on city markets shall bear a union label. It demands that dairy products, milk, butter, cream, and cheese, shall be sold by the farmer only when he can show that they have been hauled to market by a union teamster; that the cows which gave the milk have been fed on hay and grain hauled by a union teamster.

In Wisconsin, it has demanded that employees of farmers' cooperatives join its ranks and pay tribute to it; that otherwise they shall not process the farmer's milk; they shall not can nor handle the farmer's fruit and vegetables which he has for sale.

In the South it demands that berries before shipment bear a union label; be handled by union labor.

When Michigan farmers ship their eggs to New York, again this organization would levy tribute, although their product has passed State and Federal inspection.

Ever closer to the home, to the daily activities of the American farmer, this organization is coming. It is not too late, if the farmer now awakens to his peril and at the polls repudiates all those who bear the label of and owe allegiance to this organization, which would completely wreck him, finan-

cially destroy his independence, and make him subject to the orders of a racketeering so-called union-labor leader.

Unless he meets and defeats this force at the polls, the American farmer will either surrender his independence, acknowledge his serfdom, or by force do physical battle with those who are seeking to bring him under the yoke so successfully imposed upon many of the industrial workers.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SMITH of Ohio, indefinitely, on account of illness.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under a previous order of the House the gentleman from North Carolina [Mr. BARDEN] is recognized for 30 minutes.

Mr. BARDEN. Mr. Speaker, due to the lateness of the hour I will forego the pleasure of addressing the House at this time.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 6. An act to return a portion of the Grand Canyon National Monument to the public domain; to the Committee on the Public Lands.

S. 21. An act relating to the citizenship of Harry Ray Smith; to the Committee on Immigration and Naturalization.

S. 101. An act to regulate the issuance of commemorative coins; to the Committee on Coinage, Weights, and Measures.

S. 432. An act to provide for the public auction of certain town lots within the city of Parker, Ariz.; to the Committee on the Public Lands.

S. 506. An act relating to mileage tables for the United States Army and other Government agencies and to mileage allowances for persons employed in the offices of Members of the House and Senate; to the Committee on Expenditures in the Executive Departments.

S. 521. An act for the incorporation of the Ladies of the Grand Army of the Republic; to the Committee on the Judiciary.

S. 522. An act to provide pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein, equivalent to 75 percent of the compensation payable to war veterans for similar service-connected disabilities, and for other purposes; to the Committee on Invalid Pensions.

S. 805. An act for the relief of George S. Geer; to the Committee on War Claims.

S. 1008. An act to provide for the reincorporation of the National Woman's Relief Corps, auxiliary to the Grand Army of the Republic; to the Committee on the Judiciary.

S. 1033. An act for the relief of Albert P. Dunbar; to the Committee on Military Affairs.

S. 1108. An act to restrict the exportation of certain Douglas fir peeler logs and Port Orford cedar logs, and for other purposes; to the Committee on Ways and Means.

S. 1128. An act to regulate the practice of professional engineering and creating a board for licensure of professional engineers in and for the District of Columbia; to the Committee on the District of Columbia.

S. 1211. An act for the relief of Jesse Claud Branson; to the Committee on Claims.

S. 1239. An act for the relief of Priscilla M. Noland; to the Committee on Claims.

S. 1282. An act to extend the privilege of retirement for disability to judges appointed to hold office during good behavior; to the Committee on the Judiciary.

S. 1328. An act for the relief of Lena Hendel, nee Lena Goldberg; to the Committee on Immigration and Naturalization.

S. 1376. An act for the relief of Cothran Motors, Inc.; to the Committee on Claims.

S. 1478. An act for the relief of Haim Genishier, alias Haim Satyr; to the Committee on Immigration and Naturalization.

S. 1649. An act for the relief of Alan C. Winter, Jr., and Elizabeth Winter; to the Committee on Claims.

S. 1677. An act to make better provision for the government of the Army and the Navy of the United States by the suppression of attempts to incite the members thereof to disobedience; to the Committee on Military Affairs.

S. 1708. An act to amend the Employers' Liability Act; to the Committee on the Judiciary.

S. 1850. An act to aid the States and Territories in making provisions for the retirement of employees of the land-grant colleges; to the Committee on Agriculture.

S. 1906. An act for the relief of William H. Rouncevill; to the Committee on Military Affairs.

S. 1919. An act to provide for the acquisition by the United States of the estate of Patrick Henry, in Charlotte County, Va., known as Red Hill; to the Committee on the Public Lands.

S. 1949. An act for relief of Indian war veterans who were discharged from the Army because of minority or misrepresentation of age; to the Committee on Military Affairs.

S. 1977. An act for the relief of John A. Farrell; to the Committee on the Public Lands.

S. 1989. An act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 1996. An act to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg.; to the Committee on Interstate and Foreign Commerce.

S. 1998. An act for the relief of Ernestine Huber Neuheller; to the Committee on Immigration and Naturalization.

S. 2038. An act for the relief of George H. Taylor; to the Committee on Military Affairs.

S. 2048. An act authorizing the installation of parking meters and other devices on the streets of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 2139. An act to exempt from taxation certain property of the American Friends Service Committee, a nonprofit corporation organized under the laws of Pennsylvania for religious, educational, and social-service purposes; to the Committee on the District of Columbia.

S. 2156. An act for the relief of Walter Petersen; to the Committee on Claims.

S. 2188. An act granting the consent of Congress to the Providence, Warren & Bristol Railroad Co. to construct, maintain, and operate a railroad bridge across the Warren River at or near Barrington, R. I.; to the Committee on Interstate and Foreign Commerce.

S. 2234. An act for the relief of Walter R. Maguire; to the Committee on Claims.

S. 2242. An act creating the Memphis and Arkansas Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to construct, maintain, and operate a bridge across the Mississippi River at or near Memphis, Tenn.; and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2250. An act for the relief of Joseph F. Tondre; to the Committee on Claims.

S. 2252. An act for the relief of Louis Simons; to the Committee on Claims.

S. 2262. An act to provide for a change in the time for holding court at Rock Hill and Spartanburg, S. C.; to the Committee on the Judiciary.

S. 2288. An act for the relief of John H. Balmat, Jr.; to the Committee on World War Veterans' Legislation.

S. 2306. An act relating to the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; to the Committee on Interstate and Foreign Commerce.

S. 2348. An act relating to allowances to certain naval officers stationed in the Canal Zone for rental of quarters; to the Committee on Naval Affairs.

S. 2392. An act to legalize a bridge across Bayou La Fourche at Cut Off, La.; to the Committee on Interstate and Foreign Commerce.

S. 2407. An act granting the consent of Congress to the counties of Valley and McCone, Mont., to construct, maintain, and operate a free highway bridge across the Missouri River at or near Frazer, Mont.; to the Committee on Interstate and Foreign Commerce.

S. 2465. An act to authorize the consideration of recommendation of an award of a decoration to George J. Frank for distinguished service; to the Committee on Military Affairs.

S. 2469. An act relating to the exchange of certain lands in the State of Oregon; to the Committee on the Public Lands.

S. 2478. An act to limit the operations of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases; to the Committee on the Judiciary.

S. 2482. An act authorizing the President to present a Distinguished Service Medal to Rear Admiral Harry Ervin Yarnell, United States Navy; to the Committee on Naval Affairs.

S. 2484. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo.; to the Committee on Interstate and Foreign Commerce.

S. 2500. An act authorizing the Comptroller General of the United States to settle and adjust the claims of Mary Pierce and John K. Quackenbush; to the Committee on Claims.

S. 2502. An act authorizing the county of Howard, State of Missouri, to construct, maintain, and operate a toll bridge across the Missouri River at or near Petersburg, Mo.; to the Committee on Interstate and Foreign Commerce.

S. 2511. An act to correct the military record of John W. Bough; to the Committee on Military Affairs.

S. 2513. An act for the relief of certain persons whose property was damaged or destroyed as a result of the crashes of two airplanes of the United States Navy at East Braintree, Mass., on April 4, 1939; to the Committee on Claims.

S. 2548. An act to amend an act entitled "An act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes," approved June 29, 1938; to the Committee on the District of Columbia.

S. 2563. An act to legalize a free highway bridge now being constructed across the Des Moines River at Levy, Iowa; to the Committee on Interstate and Foreign Commerce.

S. 2564. An act granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near Red Rock, Iowa; to the Committee on Interstate and Foreign Commerce.

S. 2574. An act authorizing the construction of a highway bridge across the Chesapeake & Delaware Canal at St. Georges, Del.; to the Committee on Interstate and Foreign Commerce.

S. 2577. An act authorizing an appropriation for completing the mural decorations in the Senate reception room; to the Committee on the Library.

S. 2589. An act to authorize the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Ind.; to the Committee on Interstate and Foreign Commerce.

S. 2599. An act to amend the Naval Reserve Act of 1938 (Public, No. 732, 52 Stat. 1175); to the Committee on Naval Affairs.

S. 2611. An act authorizing the purchase of a site and the erection of a building in the State of Massachusetts for use as a radio-monitoring station, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2619. An act to provide a measure of damages for trespass involving timber and other forest products upon lands of the United States; to the Committee on the Public Lands.

S. 2739. An act to amend section 45 of the United States Criminal Code to make it applicable to the outlying possessions of the United States; to the Committee on the Judiciary.

S. 2740. An act to amend section 9a, National Defense Act, as amended, so as to provide specific authority for the employment of warrant officers of the Regular Army as agents of officers of the finance department for the disbursement of public funds; to the Committee on Military Affairs.

S. 2769. An act to amend section 55, National Defense Act, as amended, to provide for enlistment of men up to 45 years of age in technical units of the Enlisted Reserve Corps; to the Committee on Military Affairs.

S. 2784. An act to amend section 4 of the act entitled "An act to provide a civil government for the Virgin Islands of the United States," approved June 22, 1936; to the Committee on Insular Affairs.

S. 2805. An act to authorize the attendance of the United States Naval Academy Band at the New York World's Fair on the day designated as Maryland Day at such fair; to the Committee on Naval Affairs.

S. J. Res. 130. Joint resolution referring the claims of the Kiowa, Comanche, and Apache tribes of Indians in Oklahoma to the Court of Claims for finding of fact and report to Congress; to the Committee on Indian Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 153. An act to transfer jurisdiction over commercial prints and labels, for the purpose of copyright registration, to the Register of Copyrights;

H. R. 161. An act to amend section 73 of the Hawaiian Organic Act, approved April 30, 1900, as amended;

H. R. 542. An act for the relief of Anna Elizabeth Watrous;

H. R. 985. An act to authorize the Secretary of War to furnish certain markers for certain graves;

H. R. 1883. An act for the relief of Marguerite Kuenzi;

H. R. 1982. An act to amend the act entitled "An act to classify officers and members of the Fire Department of the District of Columbia, and for other purposes";

H. R. 2168. An act to authorize the Secretary of War to make contracts, agreements, or other arrangements for the supplying of water to the Golden Gate Bridge and Highway District;

H. R. 2234. An act for the relief of W. E. R. Covell;

H. R. 2413. An act for the protection of the water supply of the city of Ketchikan, Alaska;

H. R. 2480. An act for the relief of the estate of John B. Brack;

H. R. 2687. An act for the relief of Elbert R. Miller;

H. R. 2903. An act for the relief of Virginia Guthrie, Jake C. Aaron, and Thomas W. Carter, Jr.;

H. R. 2967. An act to grant to the State of California a retrocession of jurisdiction over certain rights-of-way granted to the State of California over a certain road about to be constructed in the Presidio of San Francisco Military Reservation;

H. R. 3081. An act for the relief of Margaret B. Nonnenberg;

H. R. 3248. An act authorizing a per capita payment of $15 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation;

H. R. 3305. An act for the relief of Charles G. Clement;

H. R. 3314. An act to provide shorter hours of duty for members of the fire department of the District of Columbia, and for other purposes;

H. R. 3321. An act to provide allowances for uniforms and equipment to certain officers of the Officers' Reserve Corps;

H. R. 3364. An act to transfer the control and jurisdiction of the Park Field Military Reservation, Shelby County, Tenn., from the War Department to the Department of Agriculture;

H. R. 3614. An act for the relief of Frank M. Croman;

H. R. 3623. An act for the relief of Capt. Clyde E. Steele, United States Army;

H. R. 3673. An act for the relief of the Allegheny Forging Co.;

H. R. 3730. An act for the relief of John G. Wynn;

H. R. 3796. An act to extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

H. R. 3834. An act to amend the act entitled "An act to regulate steam and other operating engineering in the District of Columbia," approved February 28, 1887, as amended;

H. R. 4155. An act for the relief of Mary A. Brummal;

H. R. 4391. An act for the relief of H. W. Hamlin;

H. R. 4440. An act for the relief of Mr. and Mrs. John Shebestok, parents of Constance and Lois Shebestok;

H. R. 4617. An act for the relief of Capt. Robert E. Coughlin;

H. R. 4762. An act for the relief of William S. Huntley;

H. R. 5036. An act authorizing the State highway departments of North Dakota and Minnesota and the counties of Grand Forks, of North Dakota, and Polk, of Minnesota, to construct, maintain, and operate a free highway bridge across the Red River near Thompson, N. Dak., and Crookston, Minn.;

H. R. 5064. An act to amend the act approved June 25, 1910, authorizing establishment of the Postal Saving System;

H. R. 5494. An act for the relief of John Marinis, Nicolaos Elias, Ihoanis or Jean Demetre Votsitsanos, and Michael Votsitsanos;

H. R. 5523. An act authorizing the States of Minnesota and Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Osceola, Wis., and Chisago County, Minn.;

H. R. 5525. An act to extend the times for commencing and completing the construction of a bridge over Lake Sabine at or near Port Arthur, Tex., to amend the act of June 18, 1934 (48 Stat. 1008), and for other purposes;

H. R. 5660. An act to include Lafayette Park within the provisions of the act entitled "An act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital," approved May 16, 1930;

H. R. 5781. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point and Dauphin Island, Ala.;

H. R. 5785. An act granting the consent of Congress to the State of Mississippi to construct, maintain, and operate a free highway bridge across Pearl River at or near Georgetown, Miss.;

H. R. 5786. An act granting the consent of Congress to the State of Mississippi or Madison County, Miss., to construct, maintain, and operate a free highway bridge across Pearl River at or near Ratliffs Ferry in Madison County, Miss.;

H. R. 5963. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.;

H. R. 5964. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.;

H. R. 5984. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate free highway bridges across the Monongahela River, in Allegheny County, State of Pennsylvania;

H. R. 6045. An act to authorize the Secretary of the Navy to accept on behalf of the United States certain land in the city of Seattle, King County, Wash., with improvements thereon;

H. R. 6070. An act to amend section 5 of the act of April 3, 1939 (Public, No. 18, 76th Cong.);

H. R. 6079. An act granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the Black River at or near the town of Black Rock, Ark.;

H. R. 6111. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near a point suitable to the interests of navigation, from a point in Walsh County, N. Dak., at or near the terminus of North Dakota State Highway No. 17;

H. R. 6502. An act granting the consent of Congress to the State of Minnesota or the Minnesota Department of Highways to construct, maintain, and operate a free highway bridge across the Mississippi River at or near Little Falls, Minn.;

H. R. 6527. An act granting the consent of Congress to the Commissioners of Mahoning County, Ohio, to replace a bridge which has collapsed, across the Mahoning River at Division Street, Youngstown, Mahoning County, Ohio;

H. R. 6577. An act to provide revenue for the District of Columbia, and for other purposes;

H. R. 6578. An act granting the consent of Congress to Northern Natural Gas Co. of Delaware to construct, maintain, and operate a pipe-line bridge across the Missouri River;

H. R. 6672. An act to amend the act entitled "An act to create a new division of the District Court of the United States for the Northern District of Texas," approved May 26, 1928 (45 Stat. 747);

H. R. 6748. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minn.;

H. R. 6834. An act authorizing the Commissioners of the District of Columbia to settle claims and suits of the District of Columbia;

H. R. 6870. An act to grant to the Commonwealth of Massachusetts a retrocession of jurisdiction over the General Clarence R. Edwards Memorial Bridge, bridging Watershops Pond of the Springfield Armory Military Reservation in the city of Springfield, Mass.;

H. R. 6876. An act to make uniform in the District of Columbia the law on fresh pursuit and to authorize the Commissioners of the District of Columbia to cooperate with the States;

H. R. 6928. An act to extend the times for commencing and completing the construction of a bridge across the Niagara River at or near the city of Niagara Falls, N. Y., and for other purposes;

H. R. 7052. An act to provide a posthumous advancement in grade for the late Ensign Joseph Hester Patterson, United States Navy;

H. J. Res. 247. Joint resolution to provide minimum national allotments for cotton; and

H. J. Res. 248. Joint resolution to provide minimum national allotments for wheat.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes a. m. Friday, July 21, 1939) the House adjourned until 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON NAVAL AFFAIRS

There will be a meeting of the Committee on Naval Affairs at 10 a. m., Friday, July 21, 1939, for the consideration of H. R. 2406, to provide for the adjustment of the status of planners and estimators and progressmen of the field service of the Navy Department.

COMMITTEE ON INVALID PENSIONS

The Committee on Invalid Pensions will hold hearings on Friday, July 21, 1939, at 10:30 a. m., room 247 House Office Building, of S. 522, Senate Report 414; H. R. 75, H. R. 1828, H. R. 2765, H. R. 3953, and H. R. 5977, proposed legislation with reference to veterans who rendered service during peacetime.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1023. A letter from the Secretary of War, transmitting a copy of the report of the Board of Engineers for Rivers and Harbors, and a copy of a letter from the Chief of Engineers to the Committee on Commerce; to the Committee on Flood Control.

1024. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Federal Security Agency for the fiscal year 1940 amounting to $17,750 (H. Doc. No. 434); to the Committee on Appropriations and ordered to be printed.

1025. A communication from the President of the United States, transmitting draft of a proposed provision affecting two existing appropriations for the War Department (H. Doc. No. 435); to the Committee on Appropriations and ordered to be printed.

1026. A communication from the President of the United States, transmitting supplemental provision pertaining to the appropriation "Replacement of naval vessels, armor, armament, and ammunitions," Navy Department, for the fiscal year ending June 30, 1940 (H. Doc. No. 436); to the Committee on Appropriations and ordered to be printed.

1027. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the National Capital Park and Planning Commission, for the fiscal year 1940, amounting to $150,000 (H. Doc. No. 437); to the Committee on Appropriations and ordered to be printed.

1028. A communication from the President of the United States, transmitting a draft of a proposed provision affecting an appropriation for the War Department, for construction at Fort Clayton, C. Z., contained in the Military Appropriation Act for 1940 (H. Doc. No. 438); to the Committee on Appropriations and ordered to be printed.

1029. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department, for the fiscal year 1940, to remain available until expended, amounting to $8,431,300, for the construction of buildings, utilities, and appurtenances at military posts, required in connection with the Air Corps expansion program; in addition, this estimate provides a contract authorization for $8,500,000 (H. Doc. No. 439); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 7299. A bill to authorize the attendance of the United States Naval Academy Band at the New York World's Fair on the day designated as Maryland Day at such fair; without amendment (Rept. No. 1230). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLOOM: Committee on Foreign Affairs. House Joint Resolution 367. Joint resolution to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes; without amendment (Rept. No. 1231). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 262. A resolution providing for the consideration of S. 2009, an act to amend the Interstate Commerce Act, as amended, by extending its application to additional types of carriers and transportation and modifying certain provisions thereof, and for other purposes; with amendment (Rept. No. 1232). Referred to the House Calendar.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 256. Resolution requesting information from the Secretary of the Navy (Rept. No. 1229). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 5369) for the relief of Maj. Noe C. Killian, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLANNERY:

H. R. 7310. A bill to reduce interest rates on loans on veterans' life insurance; to the Committee on World War Veterans' Legislation.

By Mr. MAY:

H. R. 7311. A bill to promote the efficiency of the national defense; to the Committee on Military Affairs.

By Mr. SMITH of Washington:

H. R. 7312. A bill to amend an act entitled "The Anti-Dumping Act of 1921" (May 27, 1921, ch. 14, sec. 212, 42 Stat. 15; June 17, 1930, ch. 497, title 4, sec. 651 (d), 46 Stat. 762); to the Committee on Ways and Means.

By Mr. STARNES of Alabama:

H. R. 7313. A bill to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified preference in employment when Federal funds are disbursed; to the Committee on the Civil Service.

By Mr. NICHOLS:

H. R. 7314. A bill to amend the act of Congress known as the District of Columbia Alcoholic Beverage Control Act, as amended, to permit the sale of beer to persons seated in automobiles parked upon the premises of the permittee in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GREEN:

H. R. 7317. A bill to appropriate $100,000 for use in the eradication of screw worms; to the Committee on Appropriations.

By Mr. MICHAEL J. KENNEDY:

H. J. Res. 373. Joint resolution to determine the nature and effect of economic conditions or statutory provisions tending to produce unfair or inequitable discrimination on the basis of age in obtaining and retaining employment in public service and private industry; to the Committee on Labor.

By Mr. SMITH of Virginia:

H. Res. 265. Resolution providing for the expenses authorized in House Resolution 258; to the Committee on Accounts.

By Mr. STEAGALL:

H. Res. 266. Resolution for the consideration of Senate bill 591; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COFFEE of Washington:

H. R. 7315. A bill for the relief of William Reese; to the Committee on Military Affairs.

By Mr. HART:

H. R. 7316. A bill for the relief of John Pascale; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4811. By Mr. CHURCH: Petition of Gertrude L. Hammersmith and 30 others, of Chicago, Ill., urging the enactment of the General Welfare Act, H. R. 5620, at this session of Congress; to the Committee on Ways and Means.

4812. Also, petition of Olivia Walker and 89 others, of Evanston; Charles Schmidt and 30 others, of Chicago; and

Nettie M. Steele, and 29 others, of Wilmette, Ill., all urging the enactment of the General Welfare Act, House bill 5620, at this session of Congress; to the Committee on Ways and Means.

4813. By Mr. HART: Petition of the West New York Board of Trade, protesting against any new legislation permitting the importation of refined sugar in excess of 600,000 tons; to the Committee on Agriculture.

4814. By Mr. HAVENNER: Petition of the Labor's Non-Partisan League of California, stating that labor in California has no objection to necessary or helpful congressional investigation; but the proposal for a special committee to investigate the National Labor Relations Board is absolutely unnecessary; both House and Senate committees have been hearing testimony about the Board's activities for weeks—those investigations are still in progress and Congress can gain any desired information therefrom—and that Labor's Non-Partisan League urges opposition to House Resolution 258 calling for special board investigation; to the Committee on Labor.

4815. Also, petition of the American Newspaper Guild, Local 52, San Francisco, Calif., strongly objecting to the Smith resolution (H. Res. 258) authorizing investigation of Labor Board; to the Committee on Labor.

4816. By Mr. KEOGH: Petition of the Pennsylvania Bar Association, Harrisburg, Pa., concerning House bill 6324, the administrative law bill; to the Committee on the Judiciary.

4817. Also, petition of the New York Joint Council of the United Office and Professional Workers of America, New York City, concerning proposed amendments to the Work Relief Act; to the Committee on Appropriations.

4818. Also, petition of the Drivers, Chauffeurs, and Helpers, Local No. 816, New York City, urging continuation of the prevailing wage of Works Progress Administration projects; to the Committee on Appropriations.

4819. Also, petition of the Adult Elementary Students Workmens Circle School and Immediate Students Workmens Circle School, of Brooklyn, N. Y., concerning amendments to the Work Relief Act; to the Committee on Appropriations.

4820. Also, petition of the International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, Chicago, Ill., urging enactment of Senate bill 2009, the Transportation Act of 1939; to the Committee on Interstate and Foreign Commerce.

4821. Also, petition of the Merca Traffic Service Bureau, New York City, concerning House bill 4862; to the Committee on Interstate and Foreign Commerce.

4822. Also, petition of the Mallory Transport Lines, New York City, concerning the Wheeler bill (S. 2009); to the Committee on Interstate and Foreign Commerce.

4823. Also, petition of the Sperry Products, Inc., Brooklyn, N. Y., concerning the O'Mahoney bill (S. 2719) to amend the antitrust laws; to the Committee on the Judiciary.

4824. Also, petition of the International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America, Kansas City, Kans., concerning the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4825. Also, petition of the Dravo Corporation, Pittsburgh, Pa., concerning the Wheeler bill (S. 2009); to the Committee on Interstate and Foreign Commerce.

4826. By Mr. MERRITT: Resolution of the International Longshoremen's Association of the American Federation of Labor, New York City, opposing the Lea bill (H. R. 4862), or any similar legislation that proposes placing water carriers under the jurisdiction of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

4827. Also, resolution of the New Rochelle (N. Y.) Clearing House, objecting to the passage of the Mead bill, which provides for the extension of Government lending; to the Committee on Banking and Currency.

4828. By Mr. PFEIFER: Petition of the Dravo Corporation, Pittsburgh, Pa., opposing the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4829. Also, petition of the Merca Traffic Service Bureau, New York City, concerning amendment to the present House transportation bill; to the Committee on Interstate and Foreign Commerce.

4830. Also, petition of the International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America, Kansas City, Mo., urging support of the Lea transportation bill; to the Committee on Interstate and Foreign Commerce.

4831. Also, petition of the Brotherhood of Locomotive Firemen and Enginemen, Cleveland, Ohio, urging support of the House transportation bill; to the Committee on Interstate and Foreign Commerce.

4832. Also, petition of the Southern Transportation Co., Philadelphia, Pa., concerning the Transportation Act of 1939; to the Committee on Interstate and Foreign Commerce.

4833. Also, petition of the International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, Chicago, Ill., urging support of the Transportation Act of 1939; to the Committee on Interstate and Foreign Commerce.

4834. Also, petition of the Sperry Products, Inc., Brooklyn, N. Y., opposing the O'Mahoney bill (S. 2719); to the Committee on the Judiciary.

4835. Also, petition of the National Grange, Washington, D. C., urging adoption of the Dempsey amendment to the Hatch bill (S. 1871); to the Committee on the Judiciary.

4836. Also, petition of workers on project No. 665–973–44, New York City, concerning the relief appropriation bill; to the Committee on Appropriations.

4837. Also, petition of the Drivers, Chauffeurs, and Helpers, Local No. 816, New York City, urging continuation prevailing wage of Works Progress Administration projects; to the Committee on Appropriations.

4838. Also, petition of the Pennsylvania Bar Association, Harrisburg, Pa., endorsing Senate bill 915 and House bill 6324; to the Committee on the Judiciary.

4839. By Mr. REED of Illinois: Petition of Fred M. Wells and 46 others, requesting congressional action on Works Progress Administration prevailing wage, 130-hour provision, 18-month clause, and the geographical wage differential; to the Committee on Appropriations.

4840. By Mr. REES of Kansas: Petition of A. H. Jacobs, of Delavan, and 107 other citizens of Morris County, Kans.; to the Committee on Interstate and Foreign Commerce.

4841. By Mr. WADSWORTH: Petition of Lizzie Hutchinson and others of Batavia, N. Y., urging Federal legislation to prohibit the advertising of alcoholic beverages in the press and over the radio; to the Committee on Interstate and Foreign Commerce.

SENATE

FRIDAY, JULY 21, 1939

(Legislative day of Tuesday, July 18, 1939)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Reverend Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

O Lord our God, Father of mankind: We beseech Thee to grant Thy blessing upon the President of the United States, the President of the Senate, and all Thy servants assembled here in solemn session. Upon them and their families and all the families of the Nation pour forth Thy grace; that their homes may be havens of faithfulness and patience, wisdom and true godliness, blessings and peace, till strife and discord, intolerance, and every misunderstanding shall be done away, and our land shall be filled with the glory of God as the waters cover the sea. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. MINTON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, July 20, 1939, was dispensed with, and the Journal was approved.